

PROCUREMENT CAPACITY ASSESSMENT

Proposed Project Name	Skills for Employment Investment Program
Executive Agency	Ministry of Finance
Duration	2014–2021
Proposed Amount for MFF	Government of Bangladesh: \$200 million, ADB: \$350 million, SDC: \$30 million, others: \$490 million
Proposed Amount for Tranche 1	Government of Bangladesh: \$25 million, ADB: \$100 million, SDC: \$10 million
Source of Funding	Government of Bangladesh, ADB and Swiss Agency for Development and Cooperation
Date	April 2014

Background

1. The Government of Bangladesh has identified key priority economic growth sectors to improve entry level job skills along with up-skilling of the existing workforce to ensure 'required skills to industry standards' are available under the Skills for Employment Investment Program (SEIP). The SEIP will support training providers to work with industry to address identified skills to enable industry growth and increased employment through the provision of market responsive inclusive skills training programs. At least 15 priority sectors will be covered during the 10 year period. Six priority sectors are selected for Tranche 1 to adopt a demand driven approach with effective inputs from Industry Skills Councils (ISCs), Employer Associations and Employers. The priority sectors targeted initially by SEIP in Tranche 1 are: (i) Readymade Garments (RMG); (ii) Construction; (iii) Information and Technology (IT); (iv) Light Engineering/Manufacturing; (v) Leather and Footwear; and (vi) Maritime. The leading industries which are internationally recognized employer associations, with substantial membership coverage of priority economic sectors and formally recognized by the government through the apex policy making body, the National Skills Development Council (NSDC), will be engaged to manage training and job place trainees.

2. SEIP will finance skills training for a total of 1.25 million persons (0.875 million gainful job placements) during the project period (2014-2021). The proposed breakdown is the following:

Table 1: Breakdown of Individuals to be Trained in Priority Sectors and Skills

Training	Tranche 1 (2014–17)	Tranche 2 and 3 (2016–2021)	Total	Follow-up Support
Public	47,400	202,600	250,000	75,000
Private	202,600	747,400	950,000	150,000
NGOs	10,000	40,000	50,000	25,000
Total	260,000	1,240,000	1,250,000	250,000

NGO = nongovernment organization.

3. Five types of institutions are expected to deliver these training targets with 70% job placements:

- (i) Public training providers: Around 47,700 training target is proposed through 32 public training providers from three ministries/departments including 9 Technical School and Colleges (TSCs) under the Directorate of Technical Education (DTE) under the Ministry of Education (MOE), 20 Technical Training Centers (TTCs) under the Bureau of Manpower Employment and Training (BMET) under the Ministry of Expatriate Welfare

and Overseas Employment (MOEWOE), and 3 Bangladesh Industrial Technical Assistance Centers (BITAC) under the Ministry of Industry (MOI).

- (ii) Palli-Karma Sahayak Foundation (PKSF): Around 10,000 training target is proposed through nongovernment organizations which are already PKSF partners in imparting skills training associated with livelihood programs leading to gainful employment or self-employment. PKSF is uniquely placed to link skills training through its well established partnership arrangements with the best NGOs in Bangladesh.
- (iii) Bangladesh Bank Small and Medium Enterprise Department: Around 10,000 training target is proposed through the Bangladesh Bank SME Department linked with its small and medium enterprise support program. Government and ADB already have good experience working with the Bangladesh Bank in implementing the SME project through selected commercial banks. Bangladesh Bank has emphasized the existing gaps between SME financing and missing link with skills training.
- (iv) Industry Associations: Around 190,000 training target (new entrants and up-skilling) is proposed through 9 leading industry associations [Bangladesh Garment Manufacturing and Exporters Association (BGMEA), Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA), Bangladesh Textile Manufacturers' Association (BTMA), Leather and Footwear, Bangladesh Association of Construction Industry (BACI), Bangladesh Engineering Industry Owners' Association (BEIOA), Information Technology, and Private Maritime Institutes Association] in 6 priority sectors during the first tranche. These associations will deliver training through their own training institutions as well as through partnerships with other relevant training institutions.
- (v) Private training providers: It is proposed to engage 10–15 quality private training providers to partner with industry to achieve targets. ISCs will develop a network of training providers that are endorsed by industry providing service excellence to meeting the skills needs of employers and located throughout the country. Selection of private providers will be based on a set of agreed selection criteria and process.

Indicative Procurement

4. Procurement under this program will mainly include the services of NGO and private training providers, national and international pool consultants, LMIS database and skill gaps analysis, twinning arrangement, external audits. Training and office equipment, furniture and minor civil works also will be procured under this program.

Assessment of National Procurement Environment

5. Before 2000 there was no central and harmonized national procurement rules and guidelines in the country. Different ministries and offices or institutions under those ministries used to follow the procurement procedures inherited from the beginning. There was no central control or system of oversight by any authorized agency.

6. In 2001, the Government of Bangladesh, to improve public procurement issues, developed a Country Procurement Assessment Report with the assistance of World Bank (WB), Asian Development Bank (ADB) and other Development Partners (DPs). The report identified the key issues of any sound procurement process that needed to be addressed. The main

issues were (i) the legal framework to govern public sector procurement, (ii) procurement planning (iii) standard bidding documents and proposals, (iv) evaluation of bids, (v) contract management, (vi) mechanism for ensuring value for money, fairness, efficiency, transparency and accountability.

7. In 2002 with financial assistance of WB, the Government undertook the Public Procurement Reform Project with an objective to develop a public procurement system of international standard to be acceptable nationally and internationally. The project also aimed at increasing the procurement capacity through training and creation of a pool of national procurement professionals. Under the project the Central Procurement Technical Unit (CPTU) was established. In 2003, the government issued Public Procurement Rules (PPR 2003). CPTU undertook major reform activities in public procurement system like posting of government information on internet, a management information system, intensive training, preparation of standard bidding documents for the procurement of goods, works and services. The Public Procurement Act 2006 (PPA 2006) was ratified in Parliament.

8. Subsequently the Public Procurement Rules (PPR) 2008 was developed under PPA 2006. The PPR 2008 included provision of framework and concession contracts, procedures for procurement of commodities and emergency procurement. CPTU is now focusing on capacity development through short-term training courses, procurement at decentralized level, introduction of e-procurement, supporting communication and ensuring transparency and accountability in public procurement systems.

9. The overall procurement environment in respect of risks may be rated as 'average' for rules and procedures, but on capacity and implementation issues the risk rating is 'moderately high'. However, the risks ratings in public sector can be upgraded through intensive trainings and strict use of the PPR 2008 in doing procurements.

Agency Procurement Environment and Capacity Assessment

10. The general procurement environment and capacity assessment of public agencies under different ministries to be involved in this program were carried out. Assessment report of one agency only is shown as sample in Appendixes 1a and 1b. The public departments under different ministries have experience in procurement of goods, works and consultancy services under projects that were implemented with assistance of ADB, WB and other development partners. In general the ICB procurements are accomplished using either ADB or WB guidelines and local procurements (NCB) are done following PPR 2008 guidelines. The procurement performances vary from agency to agency depending on the staff capacity working under the different projects. Some of the challenges faced by the project staff are drafting of bidding documents, lack of procurement skills, quality of bid evaluation, delay in the approval process and contract administration. Post procurement reviews are rare in practice. The program design should include positioning of procurement specialists to assist the agency in different stages of procurement of goods, works and services. However, the overall assessment is that in respect of regulatory framework and institutional framework there are 'low' risks. On capacity and implementation issues the risk rating is recommended as 'average'.

11. The procurement environment in the private sector is of less than average and may be rated as 'moderately high' risk because of not following PPR 2008 in procurement activities. There are no agreed guidelines of procurement for the private sector agencies. Individual agency follows its own procurement methods which are not based on any standard bidding document or procedure. The process of IFB, evaluation of bids, contract signing is not of

international standards. However, some of these partners do have experience of procurement using public funds under projects. The assessment report of one private partner is shown in Appendixes 2a and 2b as a sample. Reports of other agencies are similar.

12. Initially the major procurements of goods, works and services will be performed centrally by the Skill Development Coordination and Management Unit (SDCMU) which will serve as the program management unit. However, the responsibility of procurement of smaller items to run the program may be given to the private training providers. To spend public money, use of PPR 2008 is mandatory whereas the private agencies are not fully aware of public procurement guidelines or bidding procedures. They are not conversant with the standard bidding documents and contract administration. In such circumstances proper mechanism is to be developed for private sector training providers to perform the procurement activities using project resources.

Recommendations

13. To ensure value for money, fairness, transparency and accountability in procurement the use of PPR 2008 must be made mandatory for each of the different procuring entities in project design. The standard bidding documents prepared by CPTU are to be used. Annual Procurement Plans, wide publicity of procurement requirements, proper constitution of bid opening committee, bid evaluation committee, contract signing, auditing, regular monitoring, post-review and complaint mechanism should be followed.

14. All procurement and consultant selection will be done by the PMU which will be fully staffed with experienced procurement specialists and supported by implementation consultants. The main feature of this program is the training component, numbers are huge and hence a well-established training management system will be required.

15. All the public training providers (32), 9 leading industry associations, PKSf and Bangladesh Bank SME Department have been identified as implementing agencies. The SDCMU will enter into agreements with these entities to delivery targeted training programs. Each entity will prepare and submit a detailed business and training plan with targets, strategies and budget. The business plans will be updated every year. with detail information on timing and duration of training, number of trainees, objective location, budget etc. A manual will be prepared and shared with these agencies so that the process is systematic. Based on the approved budget, funds will be released in four instalments linked to key milestones. A strong M&E system with required expertise will be in place to measure progress (Monitoring and Evaluation) against the DMF.

Table 2: General Recommendations on Procurement Environment and Agency Capacity

Capacity constraint	Recommended Action	Responsibility and comment
<p>Legislative and regulatory framework</p> <p>There is a need to prepare a consolidated, coordinated, and comprehensive set of implementing regulations for private partners to do the procurements under the program.</p>	<p>There is need to properly integrate PPR 2008 into the system of private partners with their procurement cycle, including the need for preparation of sound procurement plans based on assured funding.</p>	<p>SDCMU in partnership with implementing agencies</p>

Capacity constraint	Recommended Action	Responsibility and comment
<p>Procurement setup</p> <p>The conduct and management of procurement is assigned to public officials as a secondary task. Frequently, these officials lack specific procurement skills. The private sector officials also lack greatly in public procurement rules and procedures.</p>	<p>Government should design and deliver a procurement capacity-building/awareness program that meets the needs of public/private officials at all levels of government and those of the private sector. Contract management capacity of officials also needs to be enhanced, which can be done through the preparation of a simple contract management manual, accompanied by necessary training in the subject.</p>	<p>SDCMU in partnership with implementing agencies</p>
<p>Inadequate procurement capacity</p> <p>The lack of procurement capacity is one factor that results, in some cases, in uneconomic and inefficient procurement</p>	<p>Program authority should expedite capacity-building of procuring entities at all levels of government and private agencies so that the procurement staff can acquire the necessary qualifications to conduct their own procurement.</p>	<p>SDCMU in partnership with implementing agencies</p>
<p>Inadequate transparency</p> <p>The government and private system in particular do not have a strategy for collection and analysis of procurement data.</p>	<p>It is necessary to improve information systems for the collection, maintenance, and dissemination of procurement data in order to increase transparency of the use of public funds in procurement. In addition, monitoring and performance measurement techniques related to public procurement should be developed and applied, possibly through electronic systems.</p>	<p>SDCMU in partnership with implementing agencies</p>
<p>Monitoring and review system</p> <p>There is no regular system of monitoring and evaluation to undertake to oversight of procurement activities in public procurement. In private sector it is totally absent.</p>	<p>Monitoring and performance measurement techniques related to public/private procurement should be developed and applied, possibly through electronic systems.</p>	<p>SDCMU in partnership with implementing agencies</p>

Capacity constraint	Recommended Action	Responsibility and comment
<p>Post procurement review audits</p> <p>Internal and external audit of procurement is weak because of the lack of audit skills of auditors and the absence of clear guidelines for both internal and external audit bodies</p>	<p>The government should mandate internal auditors to conduct periodic procurement audits. It should develop audit guidelines that are consistent with international audit practices. A training program for audit of procurement should be designed and delivered on a regular basis.</p>	<p>SDCMU in partnership with implementing agencies</p>
<p>Adoption of e-procurement</p> <p>e-GP is not used as a means of procurement method.</p>	<p>In order to keep up with the growth of e-commerce and mindful of the need for efficiency and transparency in the procurement system, the government should consider preparing and introducing a strategy on e-GP, as well as a detailed regulation on the subject. Such strategy should provide a comprehensive roadmap for the continued adoption of e-GP and should include action plans with clearly defined roles, responsibilities, and milestones.</p>	<p>This is subject to feasibility.</p>

e-GP = electronic government procurement, PPR = public procurement rule, SDCMU = skills development coordination and monitoring unit.

Appendix 1a

**EA Procurement Capacity Assessment
General Procurement Environment Assessment**

Name of Agency: Finance Division

Address : Ministry of Finance, Bangladesh Shachibaloy (Secretariat),
Dhaka, Bangladesh

I. Specific Assessments and Ratings

Question	Yes/No	Narrative Explanation	Risk
A. Legal and Regulatory			
1. Is there a procurement law?	Yes.	It is known as Public Procurement Act 2006 (PPA) implemented on 31 January, 2008.	Low
2. Does the procurement law have implementing regulations?	Yes	Public Procurement Rules 2008 (PPR) containing 130 sections with many sub-sections were promulgated on 24 January 2008 effective from 31 January 2008.	Low
3. Are the laws and regulations clear and concise?	Yes.	Both the PPA and PPR are very clear and concise. These are very easy to follow.	Low
4. What does the procurement law/ regulation cover?		It covers drafting and use of standard bidding documents, bidding procedures, code of ethics, confidentiality, integrity of the procurement process, eligibility requirements, tender committee selection process, responsibilities of the procuring entities, evaluation procedures, approval process, contract management including, payment, warranty and defects liability period and complaints mechanism.	Low
5. Does the procurement law/ regulation cover the procurement of consulting services?	Yes.	PPR covers different aspects of procurement of consulting services with drafts of standard requests for proposals for different types of selection methods, evaluation methods, contracting formats including management, and payment methods.	Low
6. Does the procurement law/ regulation differentiate between processes goods, works and consulting services?	Yes.	The law and regulations clearly differentiate between procurement of goods/ works and consulting services.	Low

Question	Yes/No	Narrative Explanation	Risk
7. Does the law/ regulation require advertisement of all procurement opportunities?	Yes.	The law requires advertisement of all procurement activities for procurement of services and goods/works. Goods below \$2500 don't require advertisement. In that case request for quotations are sent to minimum 8-12 shop owners in prescribed formats; advertisement is a must for goods packages above \$ 2500 (may vary with exchange rate of Taka).	Low
8. Are contract awards advertised?	Yes.	Contract awards below \$ 123456 for goods and works and \$ 66728 for intellectual services are notified in the agencies notice board and website only. Contract awards above those values are published in Central Procurement Technical Unit's (CPTU) website in addition to agency's notice board and website.	Low
9. Are there restrictions on goods works and services on the basis of origin?	No	Procurement is not limited to local origin. No preference for domestic origin is there.	Low
10. Do the procurement law or relevant legislation and regulations provide acceptable provisions for the participation of state owned enterprises (SOEs)?	Yes	Legally and financially autonomous state owned enterprises are acceptable to participate in the public procurement bids.	Low
11. Are there restrictions on the nationality of bidders and consulting firms invited?	No.	In public procurement process there is no restriction on the nationality of bidders or individual consultants or firms	Low
12. Are foreign bidders and consultants forced to offer through or with local partners?	No	No restriction on nationality of bidders and consulting firms.	Low
13. Is there a domestic preference scheme?	Yes	In certain circumstances.	Average
14. Is there a national standard mandated for use for quality control purposes?	Yes.	Quality standards are of international equivalence	Low
15. Are any agencies or parts of	No	There is no exemption. The law is	Low

Question	Yes/No	Narrative Explanation	Risk
public expenditure exempt from the procurement law/regulation?		applicable to all procurements by any agency using public funds (Public Procurement Act 2006-law 3(2).	
16. Is the default method for procurement open competition?	Yes	Though there are procedures for adopting other methods.	Low
17. Is open procurement easily avoided	No	Avoidance requires approval of an appropriate level of authority.	Low
18. Does the procurement law/regulations require pre-qualification?	No.	In cases of particular requirement or complex contracts when desired	Low
19. Does the procurement law/regulations require pre-registration of bidders?	No	No registration is required. Only Trade license and Tax Index Number and VAT registration is a requirement	Low
20. Does the procurement law/regulations mandate the use of standard documents?	Yes	PPR includes standard bidding documents that have to be used for public procurement. Different Bidding Documents are to be used for contract values.	Low
21. Have these standard documents been approved for use on ADB projects?	Yes	For ADB financed projects ADB's documents have to be used for international competitive bidding. In case of national competitive bidding, national standard documents with ADB's amendments (if there is any) have to be used.	Low
22. Is there a national procurement manual or guide?	Yes	For any public procurement the provisions indicated in PPR 2008 is to be followed.	Low
B.INSTITUTIONAL FRAMEWORK			
23. Which body oversees procurement?		Head of the procuring entity oversees the procurement.	Average
24. What powers does the oversight body have?		CPTU is responsible for regular oversight for public procurements. However, if required special committees are appointed by an agency to oversee any entity's procurement process.	Average
25. Is there a nationwide procurement training plan?	Yes	CPTU, under the Ministry of Planning, implements the	Low

Question	Yes/No	Narrative Explanation	Risk
		nationwide training program.	
26. Is there a procurement accreditation or Professionalization program?	Yes.	Certificates are issued on completion of government sponsored programs.	Average
27. Are major projects identified within an agencies appropriation or budget?	Yes	Major projects are identified within an agencies appropriation.	low
Is the procurement cycle tied to an annual budgeting cycle? i.e. can procurement activity only commence once a budget is approved?	Yes	Activity may start as per Annual Operation Plan and Annual Procurement Plan.	Average
28. Once an appropriation or budget is approved will funds be placed with the EA or can the EA draw them down at will?	Yes	EA can draw funds once the budget is approved.	Low
29. Is there a nationwide system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information?	Yes	CPTU is responsible for information collection and dissemination through its website	Low
30. When an agency is implementing a project using funds from the national budget are there general experiences/ reports of funding delays that significantly hamper procurement?	No	Usually national budget allocations are released in the middle of the first quarter of each fiscal year. Funding delays hampering procurement are very rare.	Low
31. Is consolidated historical procurement data available to the public?	Yes	CPTU website contains national procurement data which is accessible to the public.	Low
32. Do the regulations require the collection of nationwide statistics on procurement?	Yes	Nationwide statistics on public procurement are collected and published on its website by CPTU.	Low
C. PROCUREMENT MARKET AND OPERATIONS			
34. Do formal mechanisms exist to encourage dialogue and partnerships between the	No	No formal mechanism exists to encourage dialogue between the government and the private sector.	High

Question	Yes/No	Narrative Explanation	Risk
government and the private sector, and are these well established in the procurement law/ regulation?			
35. Are private sector institutions well established in procurement law/ regulation?	No	Private Sector procurements do not follow any particular Regulation. Private sectors use their own methods of procurement	Average
36. Is there an alternative disputes resolution process independent of government and courts?	Yes	In case the administrative authority fails to resolve a dispute, the complaint is referred to a Review Panel comprising of senior experts appointed by CPTU. The decision of the Panel is final and binding. However, the process is very long as the complaint has to first submit complaints to the procurement officer. If not resolved then the complaint will have to submit to various levels along the hierarchy, such as the head of the procuring entity and then Secretary of the concerned ministry.	High
D. INTEGRITY OF THE PROCUREMENT SYSTEM			
37. Are there systematic procurement process audits?	Yes	PPA 2006 and PPR 2008 require each entity to undertake an independent post review within 9 months after completion of each year	Low
38. Does the procurement law/ regulation contain provisions for dealing with misconduct, such as fraud and corruption? A cross reference to an anti-corruption will suffice.	Yes	PPR 2008 has provisions to deal with irregularities such as fraud and corruption.	Low
39. Is fraud and corruption in procurement regarded as a criminal act, whereby penalty includes imprisonment?	Yes.	Fraud and corruption in procurement process is regarded as a criminal act and Anticorruption Authority can file cases with proper investigation.	Low
40. Have there been prosecutions for fraud and corruption?	Yes	There have been prosecutions for fraud and corruption irrespective of low or high grade of staff.	Low
41. Does the law/ regulatory framework allow for sovereign immunity to agencies for claims against them?	No	A plaintiff can sue the government for contractual non-performance.	Low

Question	Yes/No	Narrative Explanation	Risk
42. Do the regulations allow for debarment of firms and individuals?	Yes.	If the executive agency decides to debar any firm or individual for any misconduct it will send the recommendations to head of procuring entity. Head of procurement entity may form a committee excluding the purchaser to decide on the issue or can decide himself.	Average

II. General Ratings

Criterion	Risk
A. Legal and Regulatory Framework	Low
B. Institutional Framework	Low
C. Procurement Market and Operations	Average
D. Integrity of the Procurement System	Average
OVERALL RISK RATING	Average

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Appendix 1b

**Procurement Capacity Assessment
Agency Questionnaire**

Name of Agency : Finance Division

Address : Ministry of Finance, Bangladesh Shachisibaloy (Secretariat),
Dhaka, Bangladesh.

Risk Ratings	Extremely High	High	Average	Low
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I. Specific Assessment and Ratings

Question	Answer/Finding	Risk
A. ORGANIZATIONAL AND STAFF CAPACITY		
A.1. How many years' experience does the head of the procurement department/unit have in a direct procurement role?	15 years	Low
A.2. How many staff in the procurement department/unit are:	5	Low
i. Full Time?	yes	
ii. Part Time?		
iii. Seconded?		
A.3. Does the procurement staff have English language proficiency?	yes	Low
A.4. Are the number and qualifications of the staff sufficient to undertake the additional procurement that will be required under the proposed project?	Yes	Average
A.5. Does the unit have adequate facilities, such as PCs, internet connections, photocopy facilities, printers, etc., to undertake the planned procurement?	Yes	Low
A.6. Does the agency have a procurement training program?	Yes	Average
A.7. Does the agency have a Procurement Committee that is independent from the head of the agency?	Yes	Low
A.8. Does the agency have a procurement department/unit, including a permanent office that performs the function of a Secretariat for the Procurement Unit, and which serves as the main support unit of the Procurement Committee??	Yes	Average
A.9. If yes, what type of procurement does it undertake?	National/International	
A.10. At what level does the	Head of Department	Low

Question	Answer/Finding	Risk
department/unit report (to the head of agency, deputy etc.)?		
A.11. Do the procurement positions in the agency have job descriptions, which outline specific roles, minimum technical requirements and career routes?	Yes	
A.12. Is there a procurement process manual for goods and works?	Yes, Public Procurement Rules 2008	Low
A.13. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.14. Is there a procurement process manual for consulting services?	Yes	
A.15. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.16. Are there standard documents in use, such as Standard Procurement Documents/Forms, and have they been approved for use on ADB funded projects?	Yes. There are standard bidding documents/forms for procurement of goods and works and standard Request for proposals for consultancy services.	
A.17. Does the ToR follow a standard format such as background, tasks, inputs, objectives and outputs?	Yes	
A.18. Who drafts the procurement specifications?	Concerned unit/department	Low
A.19. Who approves the procurement specifications?	Head of concerned unit	
A.20. Who drafts the bidding documents?	Procurement staff following standard bidding documents issued by CPTU	
A.21. Who manages the sale of the bidding documents?	Procurement staff	
A.22. Who identifies the need for consulting services requirements?	Head of the Department	Low
A.23. Who drafts the terms of reference (ToR)?	Concerned unit	
A.24. Who prepares the request for proposals (RFPs)?	Procurement unit following standard documents issued by CPTU	
B. INFORMATION MANAGEMENT		
B.1. Is there a referencing system for procurement files?	Yes	Average
B.2. Are there adequate resources allocated to record keeping infrastructure, which includes the record keeping system, space, equipment and personnel to administer the procurement records management	Yes	average

Question	Answer/Finding	Risk
functions within the agency?		
B.3. For what period are records kept?	5 years	Low
B.4. Are copies of bids or proposals retained with the evaluation?	Yes	Low
B.5. Are copies of the original advertisements retained with the pre-contract papers?	Yes	Low
B.6. Is there a single contract file with a copy of the contract and all subsequent contractual correspondence?	Yes	Low
B.7. Are copies of invoices included with the contract papers?	No	Low
C. PROCUREMENT PRACTICES		
Goods and Works		
C.1. Has the agency undertaken foreign-assisted procurement of goods or works recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	Yes ADB, WB	
C.2. If the above answer is yes, what were the major challenges?	In the procurement of goods and services.	
C.3. Is there a systematic process to identify procurement requirements (for a period of one year or more)	Yes	Low
C.4. Is there a minimum period for preparation of bids and if yes how long?	2 months	Low
C.5. Are all queries from bidders replied to in writing?	Yes	
C.6. Does the bidding document state the date and time of bid opening?	Yes	Low
C.7. Is the opening of bids done in public?	Yes	Low
C.8. Can late bids are accepted?	No	
C.9. Can bids are rejected at bid opening?	No	
C.10. Are minutes of the bid opening taken?	Yes	Low
C.11. Who may have a copy of the minutes?	Participating bidders in opening of bids.	
C.12. Are the minutes free of charge?	Free of charge	
C.13. Who undertakes the evaluation of bids (individual(s), permanent committee, ad-hoc committee)?	Permanent evaluation Committee	Low
C.14. What are the qualifications of the evaluators with respect to procurement	No extra qualification with respect to procurement. Experts from two external	Average

Question	Answer/Finding	Risk
and the goods and/or works under evaluation?	departments and experts from within the department	
C.15. Is the decision of the evaluators final or is the evaluation subject to additional approvals?	Additional approval depends on the contract price. There is delegated financial power for different level head of offices or Project Directors.	Low
C.16. Using at least three real examples, how long does it normally take from the issuance of the invitation for bids up to contract effectiveness?	Ten –twelve weeks.	Average
C.17. Are there processes in place for the collection and clearance of cargo through ports of entry?	Yes	Low
C.18. Are there established goods receiving procedures?	Yes	Low
C.19. Are all goods that are received recorded as assets or inventory in a register?	Yes	Average
C.20. Is the agency/procurement department familiar with letters of credit?	Yes	Average
C.21. Does the procurement department register and track warranty and latent defects liability periods?	Yes	Average
Consulting Services		
C.22. Has the agency undertaken foreign- assisted procurement of consulting services recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	Yes; ADB, WB, IDA	
C.23. If the above answer is yes, what were the major challenges?	Selection of appropriate consultants	
C.24. Are assignments and requests for expressions of interest (EOIs) advertised?	Yes	Low
C.25. Is a consultants' selection committee formed with appropriate individuals, and what is its composition (if any)?	Yes (usually 5-7 member evaluation committee)	Average
C.26. What criteria is used to evaluate EOIs?	Experience and qualification of individual experts.	Average
C.27. Historically, what is the most common method used (QCBS, QBS, etc.) to select consultants?	QCBS, FBS, LCS, SSS, Individual consultant.	Low
C.28. Do firms have to pay for the RFP document?	No	Low
C.29. Does the proposal evaluation	Yes	Average

Question	Answer/Finding	Risk
criteria follow a pre-determined structure and is it detailed in the RFP?		
C.30. Are pre-proposal visits and meetings arranged?	Yes	Low
C.31. Are minutes prepared and circulated after pre-proposal meetings?	Yes	
C.32. To whom are the minutes distributed?	To all that submitted proposals	
C.33. Are all queries from consultants answered/addressed in writing?	Yes	Low
C.34. Are the technical and financial proposals required to be in separate envelopes?	Yes	Low
C.35. Are proposal securities required?	No	Low
C.36. Are technical proposals opened in public?	No	Low
C.37. Are minutes of the technical opening distributed?	No	
C.38. Do the financial proposals remain sealed until technical evaluation is completed?	Yes	Low
C.39. Who determines the final technical ranking and how?	Evaluation committee to be approved by the head of procurement entity.	
C.40. Are the technical scores sent to all firms?	No	
C.41. Are the financial proposal opened in public?	Yes	Low
C.42. Are minutes of the financial opening distributed?	Yes	
C.43. How is the financial evaluation completed?	Specific formula is there for PPR 2008 and ADB guidelines.	Low
C.44. Are face to face contract negotiations held?	Yes	
C.45. How long after financial evaluation is negotiation held with the selected firm?	One week	
C.46. What is the usual basis for negotiation?	Only out of pocket expenses and taxes time lines.	
C.47. Are minutes of negotiation taken and signed?	Yes	
C.48. How long after negotiation is the contract signed?	Two weeks	Average
C.49. Is there an evaluation system for measuring the outputs of consultants?	No	Average
C.50. Are advance payments made?	Yes	Low
C.51. What is the standard period for	30 days	Average

Question	Answer/Finding	Risk
payment included in contracts?		
C.52. On average, how long is it between receiving a firm's invoice and making payment?	30 days	
C.53. When late payment is made, are the beneficiaries paid interest?	No	
D. EFFECTIVENESS		
D.1. Is contractual performance systematically monitored and reported?	Yes	Average
D.2. Does the agency monitor and track its contractual payment obligations?	Yes	Low
D.3. Is a complaints resolution mechanism described in national procurement documents?	Yes	Low
D.4. Is there a formal non-judicial mechanism for dealing with complaints?	Yes	Low
D.5. Are procurement decisions and disputes supported by written narratives such as minutes of evaluation, minutes of negotiation, notices of default/withheld payment?	Yes	Low
E. ACCOUNTABILITY MEASURES		
E.1. Is there a standard statement of ethics and are those involved in procurement required to formally commit to it?	Yes	Average
E.2. Are those involved with procurement required to declare any potential conflict of interest and withdraw/ remove them from the procurement process?	Yes	Average
E.3. Is the commencement of procurement dependent on external approvals (formal or de-facto) that are outside of the budgeting process?	No	Low
E.4. Who approves procurement transactions, and do they have procurement experience and qualifications?	Project Director or higher authority depending on the delegated financial power	Low
E.5. Which of the following actions require approvals outside the procurement unit or the evaluation committee, as the case may be, and who grants the approval?		Average
a) Bidding document, invitation to pre-qualify or RFP	Donor when required by the loan agreement	

Question	Answer/Finding	Risk
b) Advertisement of an invitation for bids, pre-qualification or call for EOIs	Head of procuring entity	
c) Evaluation reports	Donor if required by loan agreement	
d) Notice of award	Project authority	
e) Invitation to consultants to negotiate	Project authority	
f) Contracts	Project authority	
E.6. Is the same official responsible for: (i) authorizing procurement transactions, procurement invitations, documents, evaluations and contracts; (ii) authorizing payments; (iii) recording procurement transactions and events; and (iv) the custody of assets?	Yes	Average
E.7. Is there a written auditable trail of procurement decisions attributable to individuals and committees?	Yes	Average

II. General Ratings

Criterion	Risk
A. Organizational and Staff Capacity	Average
B. Information Management	Low
C. Procurement Practices	Average
D. Effectiveness	Average
E. Accountability Measures	Low

Prepared by :
A T M Sharif Ullah
Procurement Specialist

**EA Procurement Capacity Assessment
General Procurement Environment Assessment**

Name of Agency: Directorate of Technical Education

Address: F-4/B Agargaon Administrative Area
Shere-E-Bangla Nagar, Dhaka

I. Specific Assessments and Ratings

Question	Yes/No	Narrative Explanation	Risk
A. Legal and Regulatory			
1. Is there a procurement law?	Yes.	It is known as Public Procurement Act 2006 (PPA) implemented on 31 January, 2008.	Low
2. Does the procurement law have implementing regulations?	Yes	Public Procurement Rules 2008 (PPR)containing 130 sections with many sub-sections were promulgated on 24 January 2008 effective from 31 January 2008.	Low
3. Are the laws and regulations clear and concise?	Yes.	Both the PPA and PPR are very clear and concise. These are very easy to follow.	Low
4. What does the procurement law/ regulation cover?		It covers drafting and use of standard bidding documents, bidding procedures, code of ethics, confidentiality, integrity of the procurement process, eligibility requirements, tender committee selection process, responsibilities of the procuring entities, evaluation procedures, approval process, contract management including, payment, warranty and defects liability period and complaints mechanism.	Low
5. Does the procurement law/ regulation cover the procurement of consulting services?	Yes.	PPR covers different aspects of procurement of consulting services with drafts of standard requests for proposals for different types of selection methods, evaluation methods, contracting formats including management, and payment methods.	Low

Question	Yes/No	Narrative Explanation	Risk
6. Does the procurement law/ regulation differentiate between processes goods, works and consulting services?	Yes.	The law and regulations clearly differentiate between procurement of goods/ works and consulting services.	Low
7. Does the law/ regulation require advertisement of all procurement opportunities?	Yes.	The law requires advertisement of all procurement activities for procurement of services and goods/works. Goods below \$6250 don't require advertisement. In that case request for quotations are sent to minimum 8-12 shop owners in prescribed formats; advertisement is a must for goods packages above \$ 6250 (may vary with exchange rate of Taka).	Low
8. Are contract awards advertised?	Yes.	Contract awards below \$ 123456 for goods and works and \$ 66728 for intellectual services are notified in the agencies notice board and website only. Contract awards above those values are published in Central Procurement Technical Unit's (CPTU) website in addition to agency's notice board and website.	Low
9. Are there restrictions on goods works and services on the basis of origin?	No	Procurement is not limited to local origin. No preference for domestic origin is there.	Low
10. Do the procurement law or relevant legislation and regulations provide acceptable provisions for the participation of state owned enterprises (SOEs)?	Yes	Legally and financially autonomous state owned enterprises are acceptable to participate in the public procurement bids.	Low
11. Are there restrictions on the nationality of bidders and consulting firms invited?	No.	In public procurement process there is no restriction on the nationality of bidders or individual consultants or firms	Low
12. Are foreign bidders and consultants forced to offer through or with local partners?	No	No restriction on nationality of bidders and consulting firms.	Low

Question	Yes/No	Narrative Explanation	Risk
13. Is there a domestic preference scheme?	Yes	In certain circumstances.	Average
14. Is there a national standard mandated for use for quality control purposes?	Yes.	Quality standards are of international equivalents	Low
15. Are any agencies or parts of public expenditure exempt from the procurement law/regulation?	No	There is no exemption. The law is applicable to all procurements by any agency using public funds (Public Procurement Act 2006-law 3(2).	Low
16. Is the default method for procurement open competition?	Yes	Though there are procedures for adopting other methods.	Low
17. Is open procurement easily avoided	No	Avoidance requires approval of an appropriate level of officer.	Low
18. Does the procurement law/regulations require pre-qualification?	No.	In cases of complex contracts when desired	Low
19. Does the procurement law/regulations require pre-registration of bidders?	No	No registration is required.	Low
20. Does the procurement law/regulations mandate the use of standard documents?	Yes	PPR includes standard bidding documents that have to be used for public procurement.	Low
21. Have these standard documents been approved for use on ADB projects?	Yes	For ADB financed projects ADB's documents have to be used for international competitive bidding. In case of national competitive bidding, national standard documents with ADB's amendments have to be used.	Low
22. Is there a national procurement manual or guide?	Yes	For any public procurement the provisions indicated in PPR 2008 is to be followed.	Low
B. INSTITUTIONAL FRAMEWORK			
23. Which body oversees procurement?		Head of the procuring entity oversees the procurement.	Average

Question	Yes/No	Narrative Explanation	Risk
24. What powers does the oversight body have?		There is no regular oversight body for public procurement. However, if required special committees are appointed to oversee any entity's procurement process.	Average
25. Is there a nationwide procurement training plan?	Yes	CPTU, under the Ministry of Planning, implements the nationwide training program.	Low
26. Is there a procurement accreditation or Professionalization program?	Yes.	Certificates are issued on completion of government sponsored programs.	Average
27. Are major projects identified within an agencies appropriation or budget?	Yes	Major projects are identified within an agencies appropriation.	low
28. Is the procurement cycle tied to an annual budgeting cycle? i.e. can procurement activity only commence once a budget is approved?	Yes	Activity may start as per Annual Operation Plan.	Average
29. Once an appropriation or budget is approved will funds be placed with the EA or can the EA draw them down at will?	Yes	EA can draw funds once the budget is approved.	Low
30. Is there a nationwide system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information?	Yes	CPTU is responsible for information collection and dissemination through its website	Low
31. When an agency is implementing a project using funds from the national budget are there general experiences/ reports of funding delays that significantly hamper procurement?	No	Usually national budget allocations are released in the middle of the first quarter of each fiscal year.	
32. Is consolidated historical procurement data available to the public?	Yes	CPTU website contains national procurement data which is accessible to the public.	Low
33. Do the regulations require the	Yes	Nationwide statistics on public	Low

Question	Yes/No	Narrative Explanation	Risk
collection of nationwide statistics on procurement?		procurement are collected and published on its website by CPTU.	
C. PROCUREMENT MARKET AND OPERATIONS			
34. Do formal mechanisms exist to encourage dialogue and partnerships between the government and the private sector, and are these well established in the procurement law/ regulation?	No	No formal mechanism exists to encourage dialogue between the government and the private sector.	High
35. Are private sector institutions well established in procurement law/ regulation?	No		Low
36. Is there an alternative disputes resolution process independent of government and courts?	Yes	In case the administrative authority fails to resolve a dispute, the complaint is referred to a Review Panel comprising of senior experts appointed by CPTU. The decision of the Panel is final and binding. However, the process is very long as the complaint has to first submit complaints to the procurement officer. If not resolved then the complaint will have to submit to various levels along the hierarchy, such as the head of the procuring entity and then Secretary of the concerned ministry.	High
D. INTEGRITY OF THE PROCUREMENT SYSTEM			
37. Are there systematic procurement process audits?	Yes	PPA 2006 and PPR 2008 require each entity to undertake an independent post review within 9 months after completion of each year	Low
38. Does the procurement law/ regulation contain provisions for dealing with misconduct, such as fraud and corruption? A cross reference to an anti-corruption will suffice.	Yes	PPR 2008 has provisions to deal with irregularities such as fraud and corruption.	Low
39. Is fraud and corruption in procurement regarded as a criminal act, whereby penalty includes imprisonment?	Yes.	Fraud and corruption in procurement process is regarded as a criminal act and Anticorruption Authority can file cases with proper investigation.	Low

Question	Yes/No	Narrative Explanation	Risk
40. Have there been prosecutions for fraud and corruption?	Yes	There have been prosecutions for fraud and corruption irrespective of low or high grade of staff.	Low
41. Does the law/ regulatory framework allow for sovereign immunity to agencies for claims against them?	No	A plaintiff can sue the government for contractual non-performance.	Low
42. Do the regulations allow for debarment of firms and individuals?	Yes.	If the executive agency decides to debar any firm or individual for any misconduct it will send the recommendations to head of procuring entity. Head of procurement entity may form a committee excluding the purchaser to decide on the issue or can decide himself.	Average

II. General Ratings

Criterion	Risk
A. Legal and Regulatory Framework	Low
B. Institutional Framework	Low
C. Procurement Market and Operations	Average
D. Integrity of the Procurement System	Average
OVERALL RISK RATING	Average

Prepared by: A T M Sharif Ullah
Procurement Specialist

Procurement Capacity Assessment Agency Questionnaire

Name of Agency : Directorate of Technical Education
Address : F-4/B Agargaon Administrative Area
Shere-E-Bangla Nagar, Dhaka

Risk Ratings	Extremely High	High	Average	Low
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I. Specific Assessment and Ratings

Question	Answer/Finding	Risk
A. ORGANIZATIONAL AND STAFF CAPACITY		
A.1. How many years' experience does the head of the procurement department/unit have in a direct procurement role?	15 years	Low
A.2. How many staff in the procurement department/unit are:	5	Low
iv. Full Time?	yes	
v. Part Time?		
vi. Seconded?		
A.3. Does the procurement staff have English language proficiency?	yes	Low
A.4. Are the number and qualifications of the staff sufficient to undertake the additional procurement that will be required under the proposed project?	Yes	Average
A.5. Does the unit have adequate facilities, such as PCs, internet connections, photocopy facilities, printers, etc., to undertake the planned procurement?	Yes	Low
A.6. Does the agency have a procurement training program?	Yes	Average
A.7. Does the agency have a Procurement Committee that is independent from the head of the agency?	Yes	Low
A.8. Does the agency have a procurement department/unit, including a permanent office that performs the function of a Secretariat for the Procurement Unit, and which serves as the main support unit of the Procurement Committee??	Yes	Average
A.9. If yes, what type of procurement does it undertake?	National/International	
A.10. At what level does the department/unit report (to the head of	Head of Department	Low

Question	Answer/Finding	Risk
agency, deputy etc.)?		
A.11. Do the procurement positions in the agency have job descriptions, which outline specific roles, minimum technical requirements and career routes?	Yes	
A.12. Is there a procurement process manual for goods and works?	Yes, Public Procurement Rules 2008	Low
A.13. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.14. Is there a procurement process manual for consulting services?	Yes	
A.15. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.16. Are there standard documents in use, such as Standard Procurement Documents/Forms, and have they been approved for use on ADB funded projects?	Yes	
A.17. Does the ToR follow a standard format such as background, tasks, inputs, objectives and outputs?	No	
A.18. Who drafts the procurement specifications?	Concerned unit	Low
A.19. Who approves the procurement specifications?	Head of concerned unit	
A.20. Who drafts the bidding documents?	Procurement staff	
A.21. Who manages the sale of the bidding documents?	Procurement staff	
A.22. Who identifies the need for consulting services requirements?	Head of the Department	
A.23. Who drafts the terms of reference (ToR)?	Concerned unit	average
A.24. Who prepares the request for proposals (RFPs)?	Procurement unit	
B. INFORMATION MANAGEMENT		
B.1. Is there a referencing system for procurement files?	Yes	Average
B.2. Are there adequate resources allocated to record keeping infrastructure, which includes the record keeping system, space, equipment and personnel to administer the procurement records management functions within the agency?	Yes	average

Question	Answer/Finding	Risk
B.3. For what period are records kept?	5 years	Average
B.4. Are copies of bids or proposals retained with the evaluation?	Yes	Low
B.5. Are copies of the original advertisements retained with the pre-contract papers?	Yes	Low
B.6. Is there a single contract file with a copy of the contract and all subsequent contractual correspondence?	Yes	Low
B.7. Are copies of invoices included with the contract papers?	No	Low
C. PROCUREMENT PRACTICES		
Goods and Works		
C.1. Has the agency undertaken foreign-assisted procurement of goods or works recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	Yes ADB, WB	
C.2. If the above answer is yes, what were the major challenges?	In the procurement of goods and services.	
C.3. Is there a systematic process to identify procurement requirements (for a period of one year or more)	Yes	Low
C.4. Is there a minimum period for preparation of bids and if yes how long?	2 months	Low
C.5. Are all queries from bidders replied to in writing?	Yes	
C.6. Does the bidding document state the date and time of bid opening?	Yes	Low
C.7. Is the opening of bids done in public?	Yes	Low
C.8. Can late bids are accepted?	No	
C.9. Can bids are rejected at bid opening?	No	
C.10. Are minutes of the bid opening taken?	Yes	Low
C.11. Who may have a copy of the minutes?	Participating bidders	
C.12. Are the minutes free of charge?	Free of charge	
C.13. Who undertakes the evaluation of bids (individual(s), permanent committee, ad-hoc committee)?	Permanent evaluation Committee	Low
C.14. What are the qualifications of the evaluators with respect to procurement	No extra qualification with respect to procurement. Experts from two external	Average

Question	Answer/Finding	Risk
and the goods and/or works under evaluation?	departments and experts from within the department	
C.15. Is the decision of the evaluators final or is the evaluation subject to additional approvals?	Depends on the contract price. There is delegated financial power for different level head of offices or Project Directors.	Low
C.16. Using at least three real examples, how long does it normally take from the issuance of the invitation for bids up to contract effectiveness?	Ten –twelve weeks.	Average
C.17. Are there processes in place for the collection and clearance of cargo through ports of entry?	Yes	Average
C.18. Are there established goods receiving procedures?	Yes	Low
C.19. Are all goods that are received recorded as assets or inventory in a register?	Yes	Average
C.20. Is the agency/procurement department familiar with letters of credit?	Yes	Average
C.21. Does the procurement department register and track warranty and latent defects liability periods?	Yes	Average
Consulting Services		
C.22. Has the agency undertaken foreign- assisted procurement of consulting services recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	Yes	
C.23. If the above answer is yes, what were the major challenges?	Selection of appropriate consultants	
C.24. Are assignments and requests for expressions of interest (EOIs) advertised?	Yes	Low
C.25. Is a consultants' selection committee formed with appropriate individuals, and what is its composition (if any)?	Yes (usually 5 member committee)	Average
C.26. What criteria is used to evaluate EOIs?	Experience and qualification of individual experts.	Average
C.27. Historically, what is the most common method used (QCBS, QBS, etc.) to select consultants?	QCBS, FBS, LCS, SSS, Individual consultant.	Low
C.28. Do firms have to pay for the RFP document?	No	Low
C.29. Does the proposal evaluation	Yes	Average

Question	Answer/Finding	Risk
criteria follow a pre-determined structure and is it detailed in the RFP?		
C.30. Are pre-proposal visits and meetings arranged?	Yes	Low
C.31. Are minutes prepared and circulated after pre-proposal meetings?	Yes	
C.32. To whom are the minutes distributed?	To all that submitted proposals	
C.33. Are all queries from consultants answered/addressed in writing?	Yes	Low
C.34. Are the technical and financial proposals required to be in separate envelopes?	Yes	Low
C.35. Are proposal securities required?	No	Low
C.36. Are technical proposals opened in public?	No	Low
C.37. Are minutes of the technical opening distributed?	No	
C.38. Do the financial proposals remain sealed until technical evaluation is completed?	Yes	Low
C.39. Who determines the final technical ranking and how?	Evaluation committee to be approved by the head of procurement entity.	
C.40. Are the technical scores sent to all firms?	No	
C.41. Are the financial proposal opened in public?	Yes	Low
C.42. Are minutes of the financial opening distributed?	Yes	
C.43. How is the financial evaluation completed?	Specific formula is there for PPR 2008 and ADB guidelines.	Low
C.44. Are face to face contract negotiations held?	Yes	
C.45. How long after financial evaluation is negotiation held with the selected firm?	One week	
C.46. What is the usual basis for negotiation?	Only out of expenses and taxes time lines.	
C.47. Are minutes of negotiation taken and signed?	Yes	
C.48. How long after negotiation is the contract signed?	Two weeks	Average
C.49. Is there an evaluation system for measuring the outputs of consultants?	No	Average
C.50. Are advance payments made?	Yes	Low
C.51. What is the standard period for	30 days	Average

Question	Answer/Finding	Risk
payment included in contracts?		
C.52. On average, how long is it between receiving a firm's invoice and making payment?	30 days	
C.53. When late payment is made, are the beneficiaries paid interest?	No	
D. EFFECTIVENESS		
D.1. Is contractual performance systematically monitored and reported?	Yes	Average
D.2. Does the agency monitor and track its contractual payment obligations?	Yes	Low
D.3. Is a complaints resolution mechanism described in national procurement documents?	Yes	Low
D.4. Is there a formal non-judicial mechanism for dealing with complaints?	Yes	Low
D.5. Are procurement decisions and disputes supported by written narratives such as minutes of evaluation, minutes of negotiation, notices of default/withheld payment?	Yes	Low
E. ACCOUNTABILITY MEASURES		
E.1. Is there a standard statement of ethics and are those involved in procurement required to formally commit to it?	Yes	Average
E.2. Are those involved with procurement required to declare any potential conflict of interest and withdraw/ remove them from the procurement process?	Yes	Average
E.3. Is the commencement of procurement dependent on external approvals (formal or de-facto) that are outside of the budgeting process?	No	Low
E.4. Who approves procurement transactions, and do they have procurement experience and qualifications?	Project Director or higher authority depending on the delegated financial power	Low
E.5. Which of the following actions require approvals outside the procurement unit or the evaluation committee, as the case may be, and who grants the approval?		Average
g) Bidding document, invitation to pre-qualify or RFP	Donor when required by the loan agreement	

Question	Answer/Finding	Risk
h) Advertisement of an invitation for bids, pre-qualification or call for EOIs	Head of procuring entity	
i) Evaluation reports	Donor if required by loan agreement	
j) Notice of award	Project authority	
k) Invitation to consultants to negotiate	Project authority	
l) Contracts	Project authority	
E.6. Is the same official responsible for: (i) authorizing procurement transactions, procurement invitations, documents, evaluations and contracts; (ii) authorizing payments; (iii) recording procurement transactions and events; and (iv) the custody of assets?	Yes	Average
E.7. Is there a written auditable trail of procurement decisions attributable to individuals and committees?	Yes	Average

II. General Ratings

Criterion	Risk
A. Organizational and Staff Capacity	Average
B. Information Management	Low
C. Procurement Practices	Average
D. Effectiveness	Average
E. Accountability Measures	Low

Prepared by :

A T M Sharif Ullah
Procurement Specialist

**EA Procurement Capacity Assessment
General Procurement Environment Assessment**

Name of Agency: BITAC

Address : Tejgaon I/A, Dhaka 1208

I. Specific Assessments and Ratings

Question	Yes/No	Narrative Explanation	Risk
A. Legal and Regulatory			
1. Is there a procurement law?	Yes.	It is known as Public Procurement Act 2006 (PPA) implemented on 31 January, 2008.	Low
2. Does the procurement law have implementing regulations?	Yes	Public Procurement Rules 2008 (PPR) containing 130 sections with many sub-sections were promulgated on 24 January 2008 effective from 31 January 2008.	Low
3. Are the laws and regulations clear and concise?	Yes.	Both the PPA and PPR are very clear and concise. These are very easy to follow.	Low
4. What does the procurement law/ regulation cover?		It covers drafting and use of standard bidding documents, bidding procedures, code of ethics, confidentiality, integrity of the procurement process, eligibility requirements, tender committee selection process, responsibilities of the procuring entities, evaluation procedures, approval process, contract management including, payment, warranty and defects liability period and complaints mechanism.	Low
5. Does the procurement law/ regulation cover the procurement of consulting services?	Yes.	PPR covers different aspects of procurement of consulting services with drafts of standard requests for proposals for different types of selection methods, evaluation methods, contracting formats including management, and payment methods.	Low
6. Does the procurement law/ regulation differentiate between processes goods, works and consulting services?	Yes.	The law and regulations clearly differentiate between procurement of goods/ works and consulting services.	Low
7. Does the law/ regulation require advertisement of all procurement opportunities?	Yes.	The law requires advertisement of all procurement activities for procurement of services and goods/works. Goods bellow \$6250	Low

Question	Yes/No	Narrative Explanation	Risk
		don't require advertisement. In that case request for quotations are sent to minimum 8-12 shop owners in prescribed formats; advertisement is a must for goods packages above \$ 6250 (may vary with exchange rate of Taka).	
8. Are contract awards advertised?	Yes.	Contract awards below \$ 123456 for goods and works and \$ 66728 for intellectual services are notified in the agencies notice board and website only. Contract awards above those values are published in Central Procurement Technical Unit's (CPTU) website in addition to agency's notice board and website.	Low
9. Are there restrictions on goods works and services on the basis of origin?	No	Procurement is not limited to local origin. No preference for domestic origin is there.	Low
Do the procurement law or relevant legislation and regulations provide acceptable provisions for the participation of state owned enterprises (SOEs)?	Yes	Legally and financially autonomous state owned enterprises are acceptable to participate in the public procurement bids.	Low
10. Are there restrictions on the nationality of bidders and consulting firms invited?	No.	In public procurement process there is no restriction on the nationality of bidders or individual consultants or firms	Low
Are foreign bidders and consultants forced to offer through or with local partners?	No	No restriction on nationality of bidders and consulting firms.	Low
Is there a domestic preference scheme?	Yes	In certain circumstances.	Average
Is there a national standard mandated for use for quality control purposes?	Yes.	Quality standards are of international equivalents	Low
11. Are any agencies or parts of public expenditure exempt from the procurement law/regulation?	No	There is no exemption. The law is applicable to all procurements by any agency using public funds (Public Procurement Act 2006-law 3(2).	Low
Is the default method for procurement open competition?	Yes	Though there are procedures for adopting other methods.	Low

Question	Yes/No	Narrative Explanation	Risk
12. Is open procurement easily avoided	No	Avoidance requires approval of an appropriate level of officer.	Low
Does the procurement law/regulations require pre-qualification?	No.	In cases of complex contracts when desired	Low
Does the procurement law/regulations require pre-registration of bidders?	No	No registration is required.	Low
Does the procurement law/regulations mandate the use of standard documents?	Yes	PPR includes standard bidding documents that have to be used for public procurement.	Low
13. Have these standard documents been approved for use on ADB projects?	Yes	For ADB financed projects ADB's documents have to be used for international competitive bidding. In case of national competitive bidding, national standard documents with ADB's amendments have to be used.	Low
14. Is there a national procurement manual or guide?	Yes	For any public procurement the provisions indicated in PPR 2008 is to be followed.	Low
B.INSTITUTIONAL FRAMEWORK			
15. Which body oversees procurement?		Head of the procuring entity oversees the procurement.	Average
16. What powers does the oversight body have?		There is no regular oversight body for public procurement. However, if required special committees are appointed to oversee any entity's procurement process.	Average
17. Is there a nationwide procurement training plan?	Yes	CPTU, under the Ministry of Planning, implements the nationwide training program.	Low
18. Is there a procurement accreditation or Professionalization program?	Yes.	Certificates are issued on completion of government sponsored programs.	Average
19. Are major projects identified within an agencies appropriation or budget?	Yes	Major projects are identified within an agencies appropriation.	low
Is the procurement cycle tied to an annual budgeting cycle? i.e. can procurement activity only commence once	Yes	Activity may start as per Annual Operation Plan.	Average

Question	Yes/No	Narrative Explanation	Risk
a budget is approved?			
20. Once an appropriation or budget is approved will funds be placed with the EA or can the EA draw them down at will?	Yes	EA can draw funds once the budget is approved.	Low
21. Is there a nationwide system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information?	Yes	CPTU is responsible for information collection and dissemination through its website	Low
When an agency is implementing a project using funds from the national budget are there general experiences/ reports of funding delays that significantly hamper procurement?	No	Usually national budget allocations are released in the middle of the first quarter of each fiscal year.	
Is consolidated historical procurement data available to the public?	Yes	CPTU website contains national procurement data which is accessible to the public.	Low
Do the regulations require the collection of nationwide statistics on procurement?	Yes	Nationwide statistics on public procurement are collected and published on its website by CPTU.	Low
C. PROCUREMENT MARKET AND OPERATIONS			
34. Do formal mechanisms exist to encourage dialogue and partnerships between the government and the private sector, and are these well established in the procurement law/ regulation?	No	No formal mechanism exists to encourage dialogue between the government and the private sector.	High
35. Are private sector institutions well established in procurement law/ regulation?	No		Low
36. Is there an alternative disputes resolution process independent of government and courts?	Yes	In case the administrative authority fails to resolve a dispute, the complaint is referred to a Review Panel comprising of senior experts appointed by CPTU. The decision of the Panel is final and binding.	High

Question	Yes/No	Narrative Explanation	Risk
		However, the process is very long as the complaint has to first submit complaints to the procurement officer. If not resolved then the complaint will have to submit to various levels along the hierarchy, such as the head of the procuring entity and then Secretary of the concerned ministry.	
D. INTEGRITY OF THE PROCUREMENT SYSTEM			
37. Are there systematic procurement process audits?	Yes	PPA 2006 and PPR 2008 require each entity to undertake an independent post review within 9 months after completion of each year	Low
38. Does the procurement law/ regulation contain provisions for dealing with misconduct, such as fraud and corruption? A cross reference to an anti-corruption will suffice.	Yes	PPR 2008 has provisions to deal with irregularities such as fraud and corruption.	Low
39. Is fraud and corruption in procurement regarded as a criminal act, whereby penalty includes imprisonment?	Yes.	Fraud and corruption in procurement process is regarded as a criminal act and Anticorruption Authority can file cases with proper investigation.	Low
40. Have there been prosecutions for fraud and corruption?	Yes	There have been prosecutions for fraud and corruption irrespective of low or high grade of staff.	Low
41. Does the law/ regulatory framework allow for sovereign immunity to agencies for claims against them	No	A plaintiff can sue the government for contractual non-performance.	Low
42. Do the regulations allow for debarment of firms and individuals?	Yes.	If the executive agency decides to debar any firm or individual for any misconduct it will send the recommendations to head of procuring entity. Head of procurement entity may form a committee excluding the purchaser to decide on the issue or can decide himself.	Average

II. General Ratings

Criterion	Risk
A. Legal and Regulatory Framework	Low
B. Institutional Framework	Low
C. Procurement Market and Operations	Average
D. Integrity of the Procurement System	Average
OVERALL RISK RATING	Average

Prepared by: **A T Sharif Ullah**
Procurement Specialist

Procurement Capacity Assessment Agency Questionnaire

Name of Agency : BITAC
Address : Tejgaon I/A, Dhaka 1208

Risk Ratings	Extremely High	High	Average	Low

I. Specific Assessment and Ratings

Question	Answer/Finding	Risk
A. ORGANIZATIONAL AND STAFF CAPACITY		
A.1. How many years' experience does the head of the procurement department/unit have in a direct procurement role?	15 years	Low
A.2. How many staff in the procurement department/unit are:	5	Low
vii. Full Time?	yes	
viii. Part Time?		
ix. Seconded?		
A.3. Does the procurement staff have English language proficiency?	yes	Low
A.4. Are the number and qualifications of the staff sufficient to undertake the additional procurement that will be required under the proposed project?	Yes	Average
A.5. Does the unit have adequate facilities, such as PCs, internet connections, photocopy facilities, printers, etc., to undertake the planned procurement?	Yes	Low
A.6. Does the agency have a procurement training program?	Yes	Average
A.7. Does the agency have a Procurement Committee that is independent from the head of the agency?	Yes	Low
A.8. Does the agency have a	Yes	Average

Question	Answer/Finding	Risk
procurement department/unit, including a permanent office that performs the function of a Secretariat for the Procurement Unit, and which serves as the main support unit of the Procurement Committee??		
A.9. If yes, what type of procurement does it undertake?	National/International	
A.10. At what level does the department/unit report (to the head of agency, deputy etc.)?	Head of Department	Low
A.11. Do the procurement positions in the agency have job descriptions, which outline specific roles, minimum technical requirements and career routes?	Yes	
A.12. Is there a procurement process manual for goods and works?	Yes, Public Procurement Rules 2008	Low
A.13. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.14. Is there a procurement process manual for consulting services?	Yes	
A.15. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.16. Are there standard documents in use, such as Standard Procurement Documents/Forms, and have they been approved for use on ADB funded projects?	Yes	
A.17. Does the ToR follow a standard format such as background, tasks, inputs, objectives and outputs?	No	
A.18. Who drafts the procurement specifications?	Concerned unit	Low
A.19. Who approves the procurement specifications?	Head of concerned unit	
A.20. Who drafts the bidding documents?	Procurement staff	
A.21. Who manages the sale of the bidding documents?	Procurement staff	
A.22. Who identifies the need for consulting services requirements?	Head of the Department	average
A.23. Who drafts the terms of reference (ToR)?	Concerned unit	
A.24. Who prepares the request for proposals (RFPs)?	Procurement unit	

Question	Answer/Finding	Risk
B. INFORMATION MANAGEMENT		
B.1. Is there a referencing system for procurement files?	Yes	Average
B.2. Are there adequate resources allocated to record keeping infrastructure, which includes the record keeping system, space, equipment and personnel to administer the procurement records management functions within the agency?	Yes	average
B.3. For what period are records kept?	5 years	Average
B.4. Are copies of bids or proposals retained with the evaluation?	Yes	Low
B.5. Are copies of the original advertisements retained with the pre-contract papers?	Yes	Low
B.6. Is there a single contract file with a copy of the contract and all subsequent contractual correspondence?	Yes	Low
B.7. Are copies of invoices included with the contract papers?	No	Low
C. PROCUREMENT PRACTICES		
Goods and Works		
C.1. Has the agency undertaken foreign-assisted procurement of goods or works recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	Yes ADB, WB	
C.2. If the above answer is yes, what were the major challenges?		
C.3. Is there a systematic process to identify procurement requirements (for a period of one year or more)	Yes	Low
C.4. Is there a minimum period for preparation of bids and if yes how long?	2 months	Low
C.5. Are all queries from bidders replied to in writing?	Yes	
C.6. Does the bidding document state the date and time of bid opening?	Yes	Low
C.7. Is the opening of bids done in public?	Yes	Low
C.8. Can late bids are accepted?	No	
C.9. Can bids are rejected at bid opening?	No	

Question	Answer/Finding	Risk
C.10. Are minutes of the bid opening taken?	Yes	Low
C.11. Who may have a copy of the minutes?	Participating bidders	
C.12. Are the minutes free of charge?	Free of charge	
C.13. Who undertakes the evaluation of bids (individual(s), permanent committee, ad-hoc committee)?	Permanent evaluation Committee	Low
C.14. What are the qualifications of the evaluators with respect to procurement and the goods and/or works under evaluation?	No extra qualification with respect of procurement. Experts from two external departments and experts from within the department	Average
C.15. Is the decision of the evaluators final or is the evaluation subject to additional approvals?	Depends on the contract price. There is delegated financial power for different levels head of offices or Project Directors.	Low
C.16. Using at least three real examples, how long does it normally take from the issuance of the invitation for bids up to contract effectiveness?	Ten –twelve weeks.	Average
C.17. Are there processes in place for the collection and clearance of cargo through ports of entry?	Yes	Average
C.18. Are there established goods receiving procedures?	Yes	Low
C.19. Are all goods that are received recorded as assets or inventory in a register?	Yes	Average
C.20. Is the agency/procurement department familiar with letters of credit?	Yes	Average
C.21. Does the procurement department register and track warranty and latent defects liability periods?	Yes	Average
Consulting Services		
C.22. Has the agency undertaken foreign- assisted procurement of consulting services recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	No	
C.23. If the above answer is yes, what were the major challenges?		
C.24. Are assignments and requests for expressions of interest (EOIs) advertised?	Yes	Low
C.25. Is a consultants' selection committee formed with appropriate	Yes (usually 5 member committee)	Average

Question	Answer/Finding	Risk
individuals, and what is its composition (if any)?		
C.26. What criteria is used to evaluate EOIs?	Quality and experience	Average
C.27. Historically, what is the most common method used (QCBS, QBS, etc.) to select consultants?	QCBS, FBS, LCS, SSS, Individual consultant.	Low
C.28. Do firms have to pay for the RFP document?	No	Low
C.29. Does the proposal evaluation criteria follow a pre-determined structure and is it detailed in the RFP?	Yes	Average
C.30. Are pre-proposal visits and meetings arranged?	Yes	Low
C.31. Are minutes prepared and circulated after pre-proposal meetings?	Yes	
C.32. To whom are the minutes distributed?	To all that submitted proposals	
C.33. Are all queries from consultants answered/addressed in writing?	Yes	Low
C.34. Are the technical and financial proposals required to be in separate envelopes?	Yes	Low
C.35. Are proposal securities required?	No	Low
C.36. Are technical proposals opened in public?	No	Low
C.37. Are minutes of the technical opening distributed?	No	
C.38. Do the financial proposals remain sealed until technical evaluation is completed?	Yes	Low
C.39. Who determines the final technical ranking and how?	Evaluation committee to be approved by the head of procurement entity.	
C.40. Are the technical scores sent to all firms?	No	
C.41. Are the financial proposal opened in public?	Yes	Low
C.42. Are minutes of the financial opening distributed?	Yes	
C.43. How is the financial evaluation completed?	Specific formula is there for PPR 2008 and ADB guidelines.	Low
C.44. Are face to face contract negotiations held?	Yes	
C.45. How long after financial evaluation is negotiation held with the selected firm?	One week	
C.46. What is the usual basis for	Only out of expenses and taxes time	

Question	Answer/Finding	Risk
negotiation?	lines.	
C.47. Are minutes of negotiation taken and signed?	Yes	
C.48. How long after negotiation is the contract signed?	Two weeks	Average
C.49. Is there an evaluation system for measuring the outputs of consultants?	No	Average
D. EFFECTIVENESS		
C.50. Are advance payments made?	Yes	Low
C.51. What is the standard period for payment included in contracts?	30 days	Average
C.52. On average, how long is it between receiving a firm's invoice and making payment?	30 days	
C.53. When late payment is made, are the beneficiaries paid interest?	No	
D.1. Is contractual performance systematically monitored and reported?	Yes	Average
D.2. Does the agency monitor and track its contractual payment obligations?	Yes	Low
D.3. Is a complaints resolution mechanism described in national procurement documents?	Yes	Low
D.4. Is there a formal non-judicial mechanism for dealing with complaints?	Yes	Low
D.5. Are procurement decisions and disputes supported by written narratives such as minutes of evaluation, minutes of negotiation, notices of default/withheld payment?	Yes	Low
E. ACCOUNTABILITY MEASURES		
E.1. Is there a standard statement of ethics and are those involved in procurement required to formally commit to it?	Yes	Average
E.2. Are those involved with procurement required to declare any potential conflict of interest and withdraw/ remove them from the procurement process?	Yes	Average
E.3. Is the commencement of procurement dependent on external approvals (formal or de-facto) that are outside of the budgeting process?	No	Low
E.4. Who approves procurement	Project Director or higher authority	Low

Question	Answer/Finding	Risk
transactions, and do they have procurement experience and qualifications?	depending on the delegated financial power	
E.5. Which of the following actions require approvals outside the procurement unit or the evaluation committee, as the case may be, and who grants the approval?		Average
m) Bidding document, invitation to pre-qualify or RFP	Donor when required by the loan agreement	
n) Advertisement of an invitation for bids, pre-qualification or call for EOIs	Head of procuring entity	
o) Evaluation reports	Donor if required by loan agreement	
p) Notice of award	Project authority	
q) Invitation to consultants to negotiate	Project authority	
r) Contracts	Project authority	
E.6. Is the same official responsible for: (i) authorizing procurement transactions, procurement invitations, documents, evaluations and contracts; (ii) authorizing payments; (iii) recording procurement transactions and events; and (iv) the custody of assets?	Yes	Average
E.7. Is there a written auditable trail of procurement decisions attributable to individuals and committees?	Yes	Average

II. General Ratings

Criterion	Risk
A. Organizational and Staff Capacity	Average
B. Information Management	Low
C. Procurement Practices	Average
D. Effectiveness	Average
E. Accountability Measures	Low

Prepared by: A T M Sharif Ullah
Procurement Specialist

Procurement Capacity Assessment Agency Questionnaire

Name of Agency : Bureau of Manpower, Employment and Training Institute(BMET)

Address : 89/2, Kakrail, Dhaka 1000

Risk Ratings	Extremely High	High	Average	Low
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I. Specific Assessment and Ratings

Question	Answer/Finding	Risk
A. ORGANIZATIONAL AND STAFF CAPACITY		
A.1. How many years' experience does the head of the procurement department/unit have in a direct procurement role?	15 years	Low
A.2. How many staff in the procurement department/unit are:	5	Low
x. Full Time?	yes	
xi. Part Time?		
xii. Seconded?		
A.3. Does the procurement staff have English language proficiency?	yes	Low
A.4. Are the number and qualifications of the staff sufficient to undertake the additional procurement that will be required under the proposed project?	Yes	Average
A.5. Does the unit have adequate facilities, such as PCs, internet connections, photocopy facilities, printers, etc., to undertake the planned procurement?	Yes	Low
A.6. Does the agency have a procurement training program?	Yes	Average
A.7. Does the agency have a Procurement Committee that is independent from the head of the agency?	Yes	Low
A.8. Does the agency have a procurement department/unit, including a permanent office that performs the function of a Secretariat for the Procurement Unit, and which serves as the main support unit of the Procurement Committee??	Yes	Average
A.9. If yes, what type of procurement does it undertake?	National/International	
A.10. At what level does the department/unit report (to the head of agency, deputy etc.)?	Head of Department	Low
A.11. Do the procurement positions in	Yes	

Question	Answer/Finding	Risk
the agency have job descriptions, which outline specific roles, minimum technical requirements and career routes?		
A.12. Is there a procurement process manual for goods and works?	Yes, Public Procurement Rules 2008	Low
A.13. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.14. Is there a procurement process manual for consulting services?	Yes	
A.15. If there is a manual, is it up to date and does it cover foreign-assisted projects?	Yes	
A.16. Are there standard documents in use, such as Standard Procurement Documents/Forms, and have they been approved for use on ADB funded projects?	Yes	
A.17. Does the ToR follow a standard format such as background, tasks, inputs, objectives and outputs?	No	
A.18. Who drafts the procurement specifications?	Concerned unit	Low
A.19. Who approves the procurement specifications?	Head of concerned unit	
A.20. Who drafts the bidding documents?	Procurement staff	
A.21. Who manages the sale of the bidding documents?	Procurement staff	
A.22. Who identifies the need for consulting services requirements?	Head of the Department	
A.23. Who drafts the terms of reference (ToR)?	Concerned unit	average
A.24. Who prepares the request for proposals (RFPs)?	Procurement unit	
B. INFORMATION MANAGEMENT		
B.1. Is there a referencing system for procurement files?	Yes	Average
B.2. Are there adequate resources allocated to record keeping infrastructure, which includes the record keeping system, space, equipment and personnel to administer the procurement records management functions within the agency?	Yes	average
B.3. For what period are records kept?	5 years	Average
B.4. Are copies of bids or proposals	Yes	Low

Question	Answer/Finding	Risk
retained with the evaluation?		
B.5. Are copies of the original advertisements retained with the pre-contract papers?	Yes	Low
B.6. Is there a single contract file with a copy of the contract and all subsequent contractual correspondence?	Yes	Low
B.7. Are copies of invoices included with the contract papers?	No	Low
C. PROCUREMENT PRACTICES		
Goods and Works		
C.1. Has the agency undertaken foreign-assisted procurement of goods or works recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	No	
C.2. If the above answer is yes, what were the major challenges?		
C.3. Is there a systematic process to identify procurement requirements (for a period of one year or more)	Yes	Low
C.4. Is there a minimum period for preparation of bids and if yes how long?	2 months	Low
C.5. Are all queries from bidders replied to in writing?	Yes	
C.6. Does the bidding document state the date and time of bid opening?	Yes	Low
C.7. Is the opening of bids done in public?	Yes	Low
C.8. Can late bids are accepted?	No	
C.9. Can bids are rejected at bid opening?	No	
C.10. Are minutes of the bid opening taken?	Yes	Low
C.11. Who may have a copy of the minutes?	Participating bidders	
C.12. Are the minutes free of charge?	Free of charge	
C.13. Who undertakes the evaluation of bids (individual(s), permanent committee, ad-hoc committee)?	Permanent evaluation Committee	Low
C.14. What are the qualifications of the evaluators with respect to procurement and the goods and/or works under	No extra qualification with respect of procurement. Experts from two external departments and experts from within	Average

Question	Answer/Finding	Risk
evaluation?	the department	
C.15. Is the decision of the evaluators final or is the evaluation subject to additional approvals?	Depends on the contract price. There is delegated financial power for different levels head of offices or Project Directors.	Low
C.16. Using at least three real examples, how long does it normally take from the issuance of the invitation for bids up to contract effectiveness?	Ten –twelve weeks.	Average
C.17. Are there processes in place for the collection and clearance of cargo through ports of entry?	Yes	Average
C.18. Are there established goods receiving procedures?	Yes	Low
C.19. Are all goods that are received recorded as assets or inventory in a register?	Yes	Average
C.20. Is the agency/procurement department familiar with letters of credit?	Yes	Average
C.21. Does the procurement department register and track warranty and latent defects liability periods?	Yes	Average
Consulting Services		
C.22. Has the agency undertaken foreign- assisted procurement of consulting services recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	Yes	
C.23. If the above answer is yes, what were the major challenges?		
C.24. Are assignments and requests for expressions of interest (EOIs) advertised?	Yes	Low
C.25. Is a consultants' selection committee formed with appropriate individuals, and what is its composition (if any)?	Yes (usually 5 member committee)	Average
C.26. What criteria is used to evaluate EOIs?		Average
C.27. Historically, what is the most common method used (QCBS, QBS, etc.) to select consultants?	QCBS, FBS, LCS, SSS, Individual consultant.	Low
C.28. Do firms have to pay for the RFP document?	No	Low
C.29. Does the proposal evaluation criteria follow a pre-determined	Yes	Average

Question	Answer/Finding	Risk
structure and is it detailed in the RFP?		
C.30. Are pre-proposal visits and meetings arranged?	Yes	Low
C.31. Are minutes prepared and circulated after pre-proposal meetings?	Yes	
C.32. To whom are the minutes distributed?	To all that submitted proposals	
C.33. Are all queries from consultants answered/addressed in writing?	Yes	Low
C.34. Are the technical and financial proposals required to be in separate envelopes?	Yes	Low
C.35. Are proposal securities required?	No	Low
C.36. Are technical proposals opened in public?	No	Low
C.37. Are minutes of the technical opening distributed?	No	
C.38. Do the financial proposals remain sealed until technical evaluation is completed?	Yes	Low
C.39. Who determines the final technical ranking and how?	Evaluation committee to be approved by the head of procurement entity.	
C.40. Are the technical scores sent to all firms?	No	
C.41. Are the financial proposal opened in public?	Yes	Low
C.42. Are minutes of the financial opening distributed?	Yes	
C.43. How is the financial evaluation completed?	Specific formula is there for PPR 2008	Low
C.44. Are face to face contract negotiations held?	Yes	
C.45. How long after financial evaluation is negotiation held with the selected firm?	One week	
C.46. What is the usual basis for negotiation?	Only out of expenses and taxes time lines.	
C.47. Are minutes of negotiation taken and signed?	Yes	
C.48. How long after negotiation is the contract signed?	Two weeks	Average
C.49. Is there an evaluation system for measuring the outputs of consultants?	No	Average
C.50. Are advance payments made?	Yes	Low
C.51. What is the standard period for payment included in contracts?	30 days	Average

Question	Answer/Finding	Risk
C.52. On average, how long is it between receiving a firm's invoice and making payment?	30 days	
C.53. When late payment is made, are the beneficiaries paid interest?	No	
D. EFFECTIVENESS		
D.1. Is contractual performance systematically monitored and reported?	Yes	Average
D.2. Does the agency monitor and track its contractual payment obligations?	Yes	Low
D.3. Is a complaints resolution mechanism described in national procurement documents?	Yes	Low
D.4. Is there a formal non-judicial mechanism for dealing with complaints?	Yes	Low
D.5. Are procurement decisions and disputes supported by written narratives such as minutes of evaluation, minutes of negotiation, notices of default/withheld payment?	Yes	Low
E. ACCOUNTABILITY MEASURES		
E.1. Is there a standard statement of ethics and are those involved in procurement required to formally commit to it?	Yes	Average
E.2. Are those involved with procurement required to declare any potential conflict of interest and withdraw/ remove them from the procurement process?	Yes	Average
E.3. Is the commencement of procurement dependent on external approvals (formal or de-facto) that are outside of the budgeting process?	No	Low
E.4. Who approves procurement transactions, and do they have procurement experience and qualifications?	Project Director or higher authority depending on the delegated financial power	Low
E.5. Which of the following actions require approvals outside the procurement unit or the evaluation committee, as the case may be, and who grants the approval?		Average
s) Bidding document, invitation to pre-qualify or RFP	Donor when required by the loan agreement	
t) Advertisement of an invitation	Head of procuring entity	

Question	Answer/Finding	Risk
for bids, pre-qualification or call for EOIs		
u) Evaluation reports	Donor if required by loan agreement	
v) Notice of award	Project authority	
w) Invitation to consultants to negotiate	Project authority	
x) Contracts	Project authority	
E.6. Is the same official responsible for: (i) authorizing procurement transactions, procurement invitations, documents, evaluations and contracts; (ii) authorizing payments; (iii) recording procurement transactions and events; and (iv) the custody of assets?	Yes	Average
E.7. Is there a written auditable trail of procurement decisions attributable to individuals and committees?	Yes	Average

II. General Ratings

Criterion	Risk
A. Organizational and Staff Capacity	Average
B. Information Management	Low
C. Procurement Practices	Average
D. Effectiveness	Average
E. Accountability Measures	Low

Prepared by: A T M Sharif Ullah
Procurement Specialist

**EA Procurement Capacity Assessment
General Procurement Environment Assessment**

Name of Agency: Bangladesh Knitwear Manufactures & Exporters Association (BKMEA)

Address: Planners Tower (4th Floor), 13/A, Sonargaon Road, Banglamotor, Dhaka-1000

I. Specific Assessments and Ratings

Question	Yes/No	Narrative Explanation	Risk
A. Legal and Regulatory			
1. Does the procurement law have implementing regulations?	N/A		Average
2. Are the laws and regulations clear and concise?	N/A		Average
3. What does the procurement law/ regulation cover?	N/A		Average
4. Does the procurement law/ regulation cover the procurement of consulting services?	N/A		Average
5. Does the procurement law/ regulation differentiate between processes goods, works and consulting services?	N/A		Average
6. Does the law/ regulation require advertisement of all procurement opportunities?	N/A		Average
7. Are contract awards advertised?	No		Average
8. Are there restrictions on goods works and services on the basis of origin?	No		Low
9. Do the procurement law or relevant legislation and regulations provide acceptable provisions for the participation of state owned enterprises (SOEs)?	Yes		Low
10. Are there restrictions on the nationality of bidders and consulting firms invited?	NO		Low
11. Are foreign bidders and consultants forced to offer through or with local partners?	No		Low

Question	Yes/No	Narrative Explanation	Risk
12. Is there a domestic preference scheme?	Yes		Low
13. Is there a national standard mandated for use for quality control purposes?	Yes		Low
14. Are any agencies or parts of public expenditure exempt from the procurement law/ regulation?	N/A		Average
15. Is the default method for procurement open competition?	N/A		Average
16. Is open procurement easily avoided	N/A		Average
17. Does the procurement law/ regulations require pre-qualification?	N/A		Average
18. Does the procurement law/ regulations require pre-registration of bidders?	N/A		Average
19. Does the procurement law/ regulations mandate the use of standard documents?	N/A		Average
20. Have these standard documents been approved for use on ADB projects?	N/A		Average
21. Is there a national procurement manual or guide?	N/A		Average
B. INSTITUTIONAL FRAMEWORK			
22. Which body oversees procurement?	N/A		Average
23. What powers does the oversight body have?	N/A		Average
24. Is there a nationwide procurement training plan?	N/A		Average
25. Is there a procurement accreditation or Professionalization program?	N/A		High
26. Are major projects identified within an agencies appropriation or budget?	N/A		Average
27. Is the procurement cycle tied to an annual budgeting cycle? i.e. can procurement activity only commence once a budget is approved?	No		Average
28. Once an appropriation or budget is approved will funds be placed with the EA or can the EA draw them down at will?	N/A		Average

Question	Yes/No	Narrative Explanation	Risk
29. Is there a nationwide system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information?	N/A		Average
30. When an agency is implementing a project using funds from the national budget are there general experiences/reports of funding delays that significantly hamper procurement?	Yes		Low
31. Is consolidated historical procurement data available to the public?	N/A		Average
32. Do the regulations require the collection of nationwide statistics on procurement?	N/A		Average
C. PROCUREMENT MARKET AND OPERATIONS			
33. Do formal mechanisms exist to encourage dialogue and partnerships between the government and the private sector, and are these well established in the procurement law/ regulation?	N/A		Average
34. Are private sector institutions well established in procurement law/ regulation?	N/A		Average
35. Is there an alternative disputes resolution process independent of government and courts?	No		High
D. INTEGRITY OF THE PROCUREMENT SYSTEM			
36. Are there systematic procurement process audits?	Yes		Low
37. Does the procurement law/ regulation contain provisions for dealing with misconduct, such as fraud and corruption? A cross reference to an anti-corruption will suffice.	N/A`		Average
38. Is fraud and corruption in procurement regarded as a criminal act, whereby penalty includes imprisonment?	N/A`		High
39. Have there been prosecutions for fraud and corruption?	N/A		High

Question	Yes/No	Narrative Explanation	Risk
40. Does the law/ regulatory framework allow for sovereign immunity to agencies for claims against them?	N/A		High
Do the regulations allow for debarment of firms and individuals?	N/A		Average

II. General Ratings

Criterion	Risk
A. Legal and Regulatory Framework	High
B. Institutional Framework	Average
C. Procurement Market and Operations	Low
D. Integrity of the Procurement System	Average
OVERALL RISK RATING	Average

Prepared by:

Engr. Rupali Biswas

Chief Coordinator

(Lean & Garmenting Consultant and Trainer)

Productivity Improvement Cell (PIC)

Institute of Apparel Research & Technology (iART), BKMEA

Procurement Capacity Assessment Agency Questionnaire

Name of Agency : Bangladesh Knitwear Manufactures & Exporters Association
(BKMEA)

Address : Planners Tower (4th Floor), 13/A, Sonargaon Road, Banglamotor, Dhaka-
1000

Risk Ratings	Extremely High	High	Average	Low
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I. Specific Assessment and Ratings

Question	Answer/Finding	Risk
A. ORGANIZATIONAL AND STAFF CAPACITY		
A.1. How many years' experience does the head of the procurement department/unit have in a direct procurement role?	BKMEA Account Department does this role based on BKMEA memorandum of article .	Average
A.2. How many staff in the procurement department/unit are:	Total 6 members.	Low
xiii. Full Time?	Yes	
xiv. Part Time?	NO	
xv. Seconded?	No	
A.3. Does the procurement staff have English language proficiency?	Yes	Low
A.4. Are the number and qualifications of the staff sufficient to undertake the additional procurement that will be required under the proposed project?	Yes	Low
A.5. Does the unit have adequate facilities, such as PCs, internet connections, photocopy facilities, printers, etc., to undertake the planned procurement?	Yes	Low
A.6. Does the agency have a procurement training program?	No	High
A.7. Does the agency have a Procurement Committee that is independent from the head of the agency?	No	High
A.8. Does the agency have a procurement department/unit, including a permanent office that performs the function of a Secretariat for the Procurement Unit, and which serves as the main support unit of the Procurement Committee??	No	High
A.9. If yes, what type of procurement does it undertake?		
A.10. At what level does the	Secretary	Low

Question	Answer/Finding	Risk
department/unit report (to the head of agency, deputy etc.)?		
A.11. Do the procurement positions in the agency have job descriptions, which outline specific roles, minimum technical requirements and career routes?	Yes	Low
A.12. Is there a procurement process manual for goods and works?	N/A`	Average
A.13. If there is a manual, is it up to date and does it cover foreign-assisted projects?		
A.14. Is there a procurement process manual for consulting services?		
A.15. If there is a manual, is it up to date and does it cover foreign-assisted projects?	N/A	
A.16. Are there standard documents in use, such as Standard Procurement Documents/Forms, and have they been approved for use on ADB funded projects?	N/A	
A.17. Does the ToR follow a standard format such as background, tasks, inputs, objectives and outputs?	N/A	
A.18. Who drafts the procurement specifications?	N/A	Average
A.19. Who approves the procurement specifications?	N/A	
A.20. Who drafts the bidding documents?	N/A	
A.21. Who manages the sale of the bidding documents?	N/A	
A.22. Who identifies the need for consulting services requirements?	Individual Department Head	
A.23. Who drafts the terms of reference (ToR)?	N/A	Low
A.24. Who prepares the request for proposals (RFPs)?	N/A	
B. INFORMATION MANAGEMENT		
B.1. Is there a referencing system for procurement files?	N/A	Average
B.2. Are there adequate resources allocated to record keeping infrastructure, which includes the record keeping system, space, equipment and personnel to administer the procurement records management	N/A	Average

Question	Answer/Finding	Risk
functions within the agency?		
B.3. For what period are records kept?	N/A	Average
B.4. Are copies of bids or proposals retained with the evaluation?	N/A	Average
B.5. Are copies of the original advertisements retained with the pre-contract papers?	N/A	Average
B.6. Is there a single contract file with a copy of the contract and all subsequent contractual correspondence?	N/A	Average
B.7. Are copies of invoices included with the contract papers?	N/A	Average
C. PROCUREMENT PRACTICES		
Goods and Works		
C.1. Has the agency undertaken foreign-assisted procurement of goods or works recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	UNIDO for Narayanganj, Sastapur, iART training Institute under BEST project	Low
C.2. If the above answer is yes, what were the major challenges?	N/A	
C.3. Is there a systematic process to identify procurement requirements (for a period of one year or more)	N/A	Average
C.4. Is there a minimum period for preparation of bids and if yes how long?	N/A	Average
C.5. Are all queries from bidders replied to in writing?	N/A	
C.6. Does the bidding document state the date and time of bid opening?	N/A	Average
C.7. Is the opening of bids done in public?	N/A	Average
C.8. Can late bids are accepted?	N/A	
C.9. Can bids are rejected at bid opening?	N/A	
C.10. Are minutes of the bid opening taken?	N/A	Average
C.11. Who may have a copy of the minutes?	N/A	
C.12. Are the minutes free of charge?	N/A	
C.13. Who undertakes the evaluation of bids (individual(s), permanent committee, ad-hoc committee)?	Departmental Head	Low

Question	Answer/Finding	Risk
C.14. What are the qualifications of the evaluators with respect to procurement and the goods and/or works under evaluation?	N/A	Average
C.15. Is the decision of the evaluators final or is the evaluation subject to additional approvals?	N/A	Average
C.16. Using at least three real examples, how long does it normally take from the issuance of the invitation for bids up to contact effectiveness?	N/A	Average
C.17. Are there processes in place for the collection and clearance of cargo through ports of entry?	N/A	Average
C.18. Are there established goods receiving procedures?	Yes by Challan Copy	Low
C.19. Are all goods that are received recorded as assets or inventory in a register?	Yes	Low
C.20. Is the agency/procurement department familiar with letters of credit?	N/A	Average
C.21. Does the procurement department register and track warranty and latent defects liability periods?	N/A	Average
Consulting Services		
C.22. Has the agency undertaken foreign- assisted procurement of consulting services recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	N/A	Average Average
C.23. If the above answer is yes, what were the major challenges?	N/A	
C.24. Are assignments and requests for expressions of interest (EOIs) advertised?	N/A	Average
C.25. Is a consultants' selection committee formed with appropriate individuals, and what is its composition (if any)?	N/A	Average
C.26. What criteria is used to evaluate EOIs?	N/A	Low
C.27. Historically, what is the most common method used (QCBS, QBS, etc.) to select consultants?	N/A	Low
C.28. Do firms have to pay for the RFP document?	N/A	Average

Question	Answer/Finding	Risk
C.29. Does the proposal evaluation criteria follow a pre-determined structure and is it detailed in the RFP?	N/A	Average
C.30. Are pre-proposal visits and meetings arranged?	N/A	Average
C.31. Are minutes prepared and circulated after pre-proposal meetings?	N/A	
C.32. To whom are the minutes distributed?	Secretary	
C.33. Are all queries from consultants answered/addressed in writing?	N/A	Average
C.34. Are the technical and financial proposals required to be in separate envelopes?	Yes	Low
C.35. Are proposal securities required?	Yes	
C.36. Are technical proposals opened in public?	No	Low
C.37. Are minutes of the technical opening distributed?	No	
C.38. Do the financial proposals remain sealed until technical evaluation is completed?	Yes	Low
C.39. Who determines the final technical ranking and how?	N/A	
C.40. Are the technical scores sent to all firms?	N/A	
C.41. Are the financial proposal opened in public?	N/A	Average
C.42. Are minutes of the financial opening distributed?	N/A	
C.43. How is the financial evaluation completed?	N/A	Average
C.44. Are face to face contract negotiations held?	Yes	
C.45. How long after financial evaluation is negotiation held with the selected firm?	N/A	
C.46. What is the usual basis for negotiation?	Quotation Form	
C.47. Are minutes of negotiation taken and signed?	Yes	
C.48. How long after negotiation is the contract signed?	Depends on clarification	Average
C.49. Is there an evaluation system for measuring the outputs of consultants?	Yes	Average
C.50. Are advance payments made?	No	
C.51. What is the standard period for	Depends on requirements	Average

Question	Answer/Finding	Risk
payment included in contracts?		
C.52. On average, how long is it between receiving a firm's invoice and making payment?	Depends on condition	
C.53. When late payment is made, are the beneficiaries paid interest?	N/A	
D. EFFECTIVENESS		
D.1. Is contractual performance systematically monitored and reported?	N/A	High
D.2. Does the agency monitor and track its contractual payment obligations?	N/A	
D.3. Is a complaints resolution mechanism described in national procurement documents?	yes	Low
D.4. Is there a formal non-judicial mechanism for dealing with complaints?	N/A	Average
D.5. Are procurement decisions and disputes supported by written narratives such as minutes of evaluation, minutes of negotiation, notices of default/withheld payment?	Yes	Low
E. ACCOUNTABILITY MEASURES		
E.1. Is there a standard statement of ethics and are those involved in procurement required to formally commit to it?	No	Average
E.2. Are those involved with procurement required to declare any potential conflict of interest and withdraw/ remove themselves from the procurement process?	N/A	Average
E.3. Is the commencement of procurement dependent on external approvals (formal or de-facto) that are outside of the budgeting process?	No	Low
E.4. Who approves procurement transactions, and do they have procurement experience and qualifications?	Board of director	Low
E.5. Which of the following actions require approvals outside the procurement unit or the evaluation committee, as the case may be, and who grants the approval?	N/A	Average
y) Bidding document, invitation to pre-qualify or RFP		

Question	Answer/Finding	Risk
z) Advertisement of an invitation for bids, pre-qualification or call for EOIs		
aa) Evaluation reports		
bb) Notice of award		
cc) Invitation to consultants to negotiate		
dd) Contracts		
E.6. Is the same official responsible for: (i) authorizing procurement transactions, procurement invitations, documents, evaluations and contracts; (ii) authorizing payments; (iii) recording procurement transactions and events; and (iv) the custody of assets?	Yes	Low
E.7. Is there a written auditable trail of procurement decisions attributable to individuals and committees?	N/A	Average

II. General Ratings

Criterion	Risk
A. Organizational and Staff Capacity	average
B. Information Management	Low
C. Procurement Practices	Low
D. Effectiveness	Average
E. Accountability Measures	Average

Prepared by:

Engr. Rupali Biswas

Chief Coordinator(Lean & Garmenting Consultant and Trainer) Productivity Improvement Cell (PIC), Institute of Apparel Research & Technology (iART), BKMEA

EA Procurement Capacity Assessment
General Procurement Environment Assessment

Name of Agency: Bangladesh Engineering Industries Owners Association (BEIOA)

Address : 38, Tipu Sultan Road, Dhaka-1100

I. Specific Assessments and Ratings

Question	Yes/No	Narrative Explanation	Risk
A. Legal and Regulatory			
1. Is there a procurement law?	No		Average
2. Does the procurement law have implementing regulations?	N/A		Average
3. Are the laws and regulations clear and concise?	N/A		Average
4. What does the procurement law/ regulation cover?	N/A		Average
5. Does the procurement law/ regulation cover the procurement of consulting services?	N/A		Average
6. Does the procurement law/ regulation differentiate between processes goods, works and consulting services?	N/A		Average
7. Does the law/ regulation require advertisement of all procurement opportunities?	N/A		Average
8. Are contract awards advertised?	Yes.		Low
9. Are there restrictions on goods works and services on the basis of origin?	No		Low
10. Do the procurement law or relevant legislation and regulations provide acceptable provisions for the participation of state owned enterprises	Yes		Low

Question	Yes/No	Narrative Explanation	Risk
(SOEs)?			
11. Are there restrictions on the nationality of bidders and consulting firms invited?	NO		Low
12. Are foreign bidders and consultants forced to offer through or with local partners?	No		Low
13. Is there a domestic preference scheme?	Yes		Low
14. Is there a national standard mandated for use for quality control purposes?	Yes		Low
15. Are any agencies or parts of public expenditure exempt from the procurement law/regulation?	N/A		Average
16. Is the default method for procurement open competition?	N/A		Average
17. Is open procurement easily avoided	N/A		Average
18. Does the procurement law/regulations require pre-qualification?	N/A		Average
19. Does the procurement law/regulations require pre-registration of bidders?	N/A		Average
20. Does the procurement law/regulations mandate the use of standard documents?	N/A		Average
21. Have these standard documents been approved for use on ADB projects?	N/A		Average
22. Is there a national procurement manual or guide?	N/A`		Average
B. INSTITUTIONAL FRAMEWORK			
23. Which body oversees procurement?	N/A		Average

Question	Yes/No	Narrative Explanation	Risk
24. What powers does the oversight body have?	N/A		Average
25. Is there a nationwide procurement training plan?	N/A		Average
26. Is there a procurement accreditation or Professionalization program?	N/A		High
27. Are major projects identified within an agencies appropriation or budget?	N/A		Average
28. Is the procurement cycle tied to an annual budgeting cycle? i.e. can procurement activity only commence once a budget is approved?	No		Average
29. Once an appropriation or budget is approved will funds be placed with the EA or can the EA draw them down at will?	N/A		Average
30. Is there a nationwide system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and contract award information?	N/A		Average
31. When an agency is implementing a project using funds from the national budget are there general experiences/ reports of funding delays that significantly hamper procurement?	Yes		Low
32. Is consolidated historical procurement data available to the public?	N/A		Average
33. Do the regulations require the collection of nationwide statistics on procurement?	N/A		Average
C. PROCUREMENT MARKET AND OPERATIONS			
34. Do formal mechanisms exist to encourage dialogue and partnerships between the government and the private sector, and are these well established in the procurement law/ regulation?	N/A		Average
35. Are private sector institutions	N/A		Average

Question	Yes/No	Narrative Explanation	Risk
well established in procurement law/ regulation?			
36. Is there an alternative disputes resolution process independent of government and courts?	No		High
D. INTEGRITY OF THE PROCUREMENT SYSTEM			
37. Are there systematic procurement process audits?	Yes		Low
38. Does the procurement law/ regulation contain provisions for dealing with misconduct, such as fraud and corruption? A cross reference to an anti-corruption will suffice.	N/A`		Average
39. Is fraud and corruption in procurement regarded as a criminal act, whereby penalty includes imprisonment?	N/A`		High
40. Have there been prosecutions for fraud and corruption?	N/A		High
41. Does the law/ regulatory framework allow for sovereign immunity to agencies for claims against them?	N/A		High
42. Do the regulations allow for debarment of firms and individuals?	N/A		Average

II. General Ratings

Criterion	Risk
A. Legal and Regulatory Framework	High
B. Institutional Framework	Average
C. Procurement Market and Operations	Low
D. Integrity of the Procurement System	Average
OVERALL RISK RATING	Average

Prepared by:

Adbdur Razzaque
 Bangladesh Engineering Industries Owners Association
 38 Tipu sultan Road, Dhaka 1100

Procurement Capacity Assessment Agency Questionnaire

Name of Agency : Bangladesh Engineering Industries Owners Association (BEIOA)

Address : 38, Tipu Sultan Road, Dhaka-1100

Risk Ratings	Extremely High	High	Average	Low
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I. Specific Assessment and Ratings

Question	Answer/Finding	Risk
A. ORGANIZATIONAL AND STAFF CAPACITY		
A.1. How many years' experience does the head of the procurement department/unit have in a direct procurement role?	BEIOA Account Department does this role based on BKMEA memorandum of article .	Average
A.2. How many staff in the procurement department/unit are:	Total 6 members.	Low
xvi. Full Time?	Yes	
xvii. Part Time?	NO	
xviii. Seconded?	No	
A.3. Does the procurement staff have English language proficiency?	Yes	Low
A.4. Are the number and qualifications of the staff sufficient to undertake the additional procurement that will be required under the proposed project?	Yes	Low
A.5. Does the unit have adequate facilities, such as PCs, internet connections, photocopy facilities, printers, etc., to undertake the planned procurement?	Yes	Low
A.6. Does the agency have a procurement training program?	No	High
A.7. Does the agency have a Procurement Committee that is independent from the head of the agency?	No	High
A.8. Does the agency have a procurement department/unit, including a permanent office that performs the function of a Secretariat for the Procurement Unit, and which serves as the main support unit of the Procurement Committee??	No	High
A.9. If yes, what type of procurement does it undertake?		
A.10. At what level does the department/unit report (to the head of agency, deputy etc.)?	Secretary	Low
A.11. Do the procurement positions in	Yes	Low

Question	Answer/Finding	Risk
the agency have job descriptions, which outline specific roles, minimum technical requirements and career routes?		
A.12. Is there a procurement process manual for goods and works?	N/A`	Average
A.13. If there is a manual, is it up to date and does it cover foreign-assisted projects?		
A.14. Is there a procurement process manual for consulting services?		
A.15. If there is a manual, is it up to date and does it cover foreign-assisted projects?	N/A	
A.16. Are there standard documents in use, such as Standard Procurement Documents/Forms, and have they been approved for use on ADB funded projects?	N/A	
A.17. Does the ToR follow a standard format such as background, tasks, inputs, objectives and outputs?	N/A	
A.18. Who drafts the procurement specifications?	N/A	Average
A.19. Who approves the procurement specifications?	N/A	
A.20. Who drafts the bidding documents?	N/A	
A.21. Who manages the sale of the bidding documents?	N/A	
A.22. Who identifies the need for consulting services requirements?	Individual Department Head	
A.23. Who drafts the terms of reference (ToR)?	N/A	Low
A.24. Who prepares the request for proposals (RFPs)?	N/A	
B. INFORMATION MANAGEMENT		
B.1. Is there a referencing system for procurement files?	N/A	Average
B.2. Are there adequate resources allocated to record keeping infrastructure, which includes the record keeping system, space, equipment and personnel to administer the procurement records management functions within the agency?	N/A	Average
B.3. For what period are records kept?	N/A	Average
B.4. Are copies of bids or proposals	N/A	Average

Question	Answer/Finding	Risk
retained with the evaluation?		
B.5. Are copies of the original advertisements retained with the pre-contract papers?	N/A	Average
B.6. Is there a single contract file with a copy of the contract and all subsequent contractual correspondence?	N/A	Average
B.7. Are copies of invoices included with the contract papers?	N/A	Average
C. PROCUREMENT PRACTICES		
Goods and Works		
C.1. Has the agency undertaken foreign-assisted procurement of goods or works recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	N/A	Low
C.2. If the above answer is yes, what were the major challenges?	N/A	
C.3. Is there a systematic process to identify procurement requirements (for a period of one year or more)	N/A	Average
C.4. Is there a minimum period for preparation of bids and if yes how long?	N/A	Average
C.5. Are all queries from bidders replied to in writing?	N/A	
C.6. Does the bidding document state the date and time of bid opening?	N/A	
C.7. Is the opening of bids done in public?	N/A	Average
C.8. Can late bids are accepted?	N/A	
C.9. Can bids are rejected at bid opening?	N/A	
C.10. Are minutes of the bid opening taken?	N/A	Average
C.11. Who may have a copy of the minutes?	N/A	
C.12. Are the minutes free of charge?	N/A	
C.13. Who undertakes the evaluation of bids (individual(s), permanent committee, ad-hoc committee)?	Departmental Head	Low
C.14. What are the qualifications of the evaluators with respect to procurement and the goods and/or works under	N/A	Average

Question	Answer/Finding	Risk
evaluation?		
C.15. Is the decision of the evaluators final or is the evaluation subject to additional approvals?	N/A	Average
C.16. Using at least three real examples, how long does it normally take from the issuance of the invitation for bids up to contact effectiveness?	N/A	Average
C.17. Are there processes in place for the collection and clearance of cargo through ports of entry?	N/A	Average
C.18. Are there established goods receiving procedures?	Yes by Challan Copy	Low
C.19. Are all goods that are received recorded as assets or inventory in a register?	Yes	Low
C.20. Is the agency/procurement department familiar with letters of credit?	N/A	Average
C.21. Does the procurement department register and track warranty and latent defects liability periods?	N/A	Average
Consulting Services		
C.22. Has the agency undertaken foreign- assisted procurement of consulting services recently (last 12 months, or last 36 months)? (If yes, please indicate the names of the development partner/s and the Project/s.)	N/A	Average
C.23. If the above answer is yes, what were the major challenges?	N/A	
C.24. Are assignments and requests for expressions of interest (EOIs) advertised?	N/A	Average
C.25. Is a consultants' selection committee formed with appropriate individuals, and what is its composition (if any)?	N/A	Average
C.26. What criteria is used to evaluate EOIs?	N/A	Low
C.27. Historically, what is the most common method used (QCBS, QBS, etc.) to select consultants?	N/A	Low
C.28. Do firms have to pay for the RFP document?	N/A	Average
C.29. Does the proposal evaluation criteria follow a pre-determined structure and is it detailed in the RFP?	N/A	Average

Question	Answer/Finding	Risk
C.30. Are pre-proposal visits and meetings arranged?	N/A	Average
C.31. Are minutes prepared and circulated after pre-proposal meetings?	N/A	
C.32. To whom are the minutes distributed?	Secretary	
C.33. Are all queries from consultants answered/addressed in writing?	N/A	Average
C.34. Are the technical and financial proposals required to be in separate envelopes?	Yes	Low
C.35. Are proposal securities required?	Yes	
C.36. Are technical proposals opened in public?	No	Low
C.37. Are minutes of the technical opening distributed?	No	
C.38. Do the financial proposals remain sealed until technical evaluation is completed?	Yes	Low
C.39. Who determines the final technical ranking and how?	N/A	
C.40. Are the technical scores sent to all firms?	N/A	
C.41. Are the financial proposal opened in public?	N/A	Average
C.42. Are minutes of the financial opening distributed?	N/A	
C.43. How is the financial evaluation completed?	N/A	Average
C.44. Are face to face contract negotiations held?	Yes	
C.45. How long after financial evaluation is negotiation held with the selected firm?	N/A	
C.46. What is the usual basis for negotiation?	Quotation Form	
C.47. Are minutes of negotiation taken and signed?	Yes	
C.48. How long after negotiation is the contract signed?	Depends on clarification	Average
C.49. Is there an evaluation system for measuring the outputs of consultants?	Yes	Average
C.50. Are advance payments made?	No	Average
C.51. What is the standard period for payment included in contracts?	Depends on requirements	Low
C.52. On average, how long is it between receiving a firm's invoice and	Depends on condition	

Question	Answer/Finding	Risk
making payment?		
C.53. When late payment is made, are the beneficiaries paid interest?	N/A	
D. EFFECTIVENESS		
D.1. Is contractual performance systematically monitored and reported?	N/A	High
D.2. Does the agency monitor and track its contractual payment obligations?	N/A	
D.3. Is a complaints resolution mechanism described in national procurement documents?	N/A	Low
D.4. Is there a formal non-judicial mechanism for dealing with complaints?	N/A	Average
D.5. Are procurement decisions and disputes supported by written narratives such as minutes of evaluation, minutes of negotiation, notices of default/withheld payment?	Yes	Low
E. ACCOUNTABILITY MEASURES		
E.1. Is there a standard statement of ethics and are those involved in procurement required to formally commit to it?	No	Average
E.2. Are those involved with procurement required to declare any potential conflict of interest and withdraw/ remove themselves from the procurement process?	N/A	Average
E.3. Is the commencement of procurement dependent on external approvals (formal or de-facto) that are outside of the budgeting process?	No	Low
E.4. Who approves procurement transactions, and do they have procurement experience and qualifications?	Board of director	Low
E.5. Which of the following actions require approvals outside the procurement unit or the evaluation committee, as the case may be, and who grants the approval?	N/A	Average
ee) Bidding document, invitation to pre-qualify or RFP		
ff) Advertisement of an invitation for bids, pre-qualification or call for EOIs		

Question	Answer/Finding	Risk
gg) Evaluation reports		
hh) Notice of award		
ii) Invitation to consultants to negotiate		
jj) Contracts		
E.6. Is the same official responsible for: (i) authorizing procurement transactions, procurement invitations, documents, evaluations and contracts; (ii) authorizing payments; (iii) recording procurement transactions and events; and (iv) the custody of assets?	Yes	Low
E.7. Is there a written auditable trail of procurement decisions attributable to individuals and committees?	N/A	Average

II. General Ratings

Criterion	Risk
A. Organizational and Staff Capacity	average
B. Information Management	Low
C. Procurement Practices	Low
D. Effectiveness	Average
E. Accountability Measures	Average

Prepared by:

Adbdur Razzaque

Bangladesh Engineering Industries Owners Association

38 Tipu sultan Road, Dhaka 1100

**EA Procurement Capacity Assessment
General Procurement Environment Assessment**

Name of Agency: Bangladesh Association of Construction Industry

Address: House # 43, Road # 16, Dhanmondi, Dhaka

I. Specific Assessments and Ratings

Question	Yes/No	Narrative Explanation	Risk
A. Legal and Regulatory			
1. Is there a procurement law?	No		Average
2. Does the procurement law have implementing regulations?	No		Average
3. Are the laws and regulations clear and concise?	No		Average
4. What does the procurement law/ regulation cover?	No		Average
5. Does the procurement law/ regulation cover the procurement of consulting services?	No		Average
6. Does the procurement law/ regulation differentiate between processes goods, works and consulting services?	No		Low
7. Does the law/ regulation require advertisement of all procurement opportunities?	No		Average
8. Are contract awards advertised?	No		Low
9. Are there restrictions on goods works and services on the basis of origin?	Yes		Low
10. Do the procurement law or relevant legislation and regulations provide acceptable provisions for the participation of state owned enterprises (SOEs)?	No		Low
11. Are there restrictions on the nationality of bidders and consulting firms invited?	No		low
12. Are foreign bidders and consultants forced to offer through or with local partners?	Yes		Low
13. Is there a domestic preference scheme?	no		Average
14. Is there a national standard mandated for use for quality control purposes?	yes		Low

Question	Yes/No	Narrative Explanation	Risk
15. Are any agencies or parts of public expenditure exempt from the procurement law/ regulation?	no		Low
16. Is the default method for procurement open competition?	yes		Low
17. Is open procurement easily avoided	no		Low
18. Does the procurement law/ regulations require pre-qualification?	no		Average
19. Does the procurement law/ regulations require pre-registration of bidders?	no		Low
20. Does the procurement law/ regulations mandate the use of standard documents?	no		Average
21. Have these standard documents been approved for use on ADB projects?	no		Average
22. Is there a national procurement manual or guide?	yes		Low
B.INSTITUTIONAL FRAMEWORK			
23. Which body oversees procurement?		The Board	Low
24. What powers does the oversight body have?		Full powers	Low
25. Is there a nationwide procurement training plan?	no		Average
26. Is there a procurement accreditation or Professionalization program?	no		Average
27. Are major projects identified within an agencies appropriation or budget?	no		Average
28. Is the procurement cycle tied to an annual budgeting cycle? i.e. can procurement activity only commence once a budget is approved?	yes		Low
29. Once an appropriation or budget is approved will funds be placed with the EA or can the EA draw them down at will?	yes		Low
30. Is there a nationwide system for collecting and disseminating procurement information, including tender invitations, requests for proposals, and	no		Average

Question	Yes/No	Narrative Explanation	Risk
contract award information?			
31. When an agency is implementing a project using funds from the national budget are there general experiences/ reports of funding delays that significantly hamper procurement?	no		Low
32. Is consolidated historical procurement data available to the public?	no		High
33. Do the regulations require the collection of nationwide statistics on procurement?	no		Average
C. PROCUREMENT MARKET AND OPERATIONS			
34. Do formal mechanisms exist to encourage dialogue and partnerships between the government and the private sector, and are these well established in the procurement law/ regulation?	yes		Low
35. Are private sector institutions well established in procurement law/ regulation?	yes		Low
36. Is there an alternative disputes resolution process independent of government and courts?	no		Average
D. INTEGRITY OF THE PROCUREMENT SYSTEM			
37. Are there systematic procurement process audits?	yes		Low
38. Does the procurement law/ regulation contain provisions for dealing with misconduct, such as fraud and corruption? A cross reference to an anti-corruption will suffice.	yes		Low
39. Is fraud and corruption in procurement regarded as a criminal act, whereby penalty includes imprisonment?	yes		Low
40. Have there been prosecutions for fraud and corruption?	no		Average
41. Does the law/ regulatory framework allow for sovereign immunity to agencies for claims against them?	no		Low
42. Do the regulations allow for debarment of firms and individuals?	no		Average

II. General Ratings

Criterion	Risk
A. Legal and Regulatory Framework	Average
B. Institutional Framework	Low
C. Procurement Market and Operations	Low
D. Integrity of the Procurement System	Average
OVERALL RISK RATING	Average

Prepared by:

Signature:

Name: Fakruddin Mobarak Khan
Designation: Secretary
Telephone: 9122703